

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 9003) granting an increase of pension to Lloyd D. Pocock; to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 9004) granting a pension to Horace Hudson; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9005) granting an increase of pension to Hiram H. Rudd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting an increase of pension to Joseph Halcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting an increase of pension to Finley Collins; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 9008) granting an increase of pension to Thomas E. Glass; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9009) for the relief of Mrs. Marshall C. Carson; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Petitions of sundry citizens of Tennessee favoring change in interstate-commerce laws relative to mail-order houses; to the Committee on Ways and Means.

By Mr. LAFFERTY: Petition of A. J. Smith Post, No. 26, Grand Army of the Republic, Department of Oregon, protesting against any alteration in the flag of our country; to the Committee on the Judiciary.

SENATE.

THURSDAY, October 23, 1913.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

IMPORTS AND DUTIES UNDER TARIFF ACT (S. DOC. NO. 217).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a copy of the estimated receipts from customs for the year 1915, etc.

Mr. SMOOT. I ask that the communication lie on the table for the present.

The VICE PRESIDENT. The communication will lie on the table and be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1673) authorizing the Secretary of the Interior to grant further extensions of time within which to comply with the law and make proof on desert-land entries in the counties of Grant and Franklin, State of Washington, and it was thereupon signed by the Vice President.

PETITIONS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Labor Council of San Francisco, Cal., praying for the passage of Senate bill 4, known as the seamen's bill, which was ordered to lie on the table.

He also presented resolutions adopted by the Merchants' Association of Honolulu, Hawaii, favoring the enactment of legislation approving act No. 136 of the laws of Hawaii of 1913, relating to the franchise of the Honolulu Rapid Transit & Land Co. (Ltd.), which were referred to the Committee on Pacific Islands and Porto Rico.

PURCHASE OF MINERAL LANDS.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry, reported it with amendments and submitted a report (No. 122) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 3321) granting an increase of pension to Augusta C. Bennett (with accompanying papers);

A bill (S. 3322) granting an increase of pension to Alfaretta S. Bond (with accompanying papers);

A bill (S. 3323) granting a pension to Elizabeth Jane Brown (with accompanying papers);

A bill (S. 3324) granting an increase of pension to Mary A. Burdick (with accompanying papers);

A bill (S. 3325) granting an increase of pension to Sarah L. Bushnell (with accompanying papers);

A bill (S. 3326) granting an increase of pension to Sarah M. Chaffee (with accompanying papers);

A bill (S. 3327) granting an increase of pension to Anna Denison (with accompanying papers);

A bill (S. 3328) granting an increase of pension to Thomas F. Edwards (with accompanying papers);

A bill (S. 3329) granting an increase of pension to Mary L. Gaffney (with accompanying papers);

A bill (S. 3330) granting an increase of pension to Sarah I. B. Hammond (with accompanying papers);

A bill (S. 3331) granting an increase of pension to Anna Huntington Hinckley (with accompanying papers);

A bill (S. 3332) granting an increase of pension to William R. Holmer (with accompanying papers);

A bill (S. 3333) granting an increase of pension to Mary L. Latham (with accompanying papers);

A bill (S. 3334) granting an increase of pension to Susan E. Mitchell (with accompanying papers);

A bill (S. 3335) granting an increase of pension to Charles E. Mulkin (with accompanying papers);

A bill (S. 3336) granting an increase of pension to Bridget O'Loughlin (with accompanying papers);

A bill (S. 3337) granting an increase of pension to Caroline M. Smith (with accompanying papers);

A bill (S. 3338) granting an increase of pension to Happy M. Smith (with accompanying papers);

A bill (S. 3339) granting an increase of pension to Harriet T. Summers (with accompanying papers); and

A bill (S. 3340) granting an increase of pension to Bertha H. Tiesler (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 3341) to pay the balance due to depositors in the Freedman's Savings & Trust Co.; to the Committee on Appropriations.

By Mr. O'GORMAN:

A bill (S. 3342) for the enlargement, etc., of the Wall Street front of the assay office in the city of New York; to the Committee on Public Buildings and Grounds.

SENATOR GEORGE C. PERKINS.

Mr. OVERMAN. Mr. President, I hold in my hand a telegram which I wish to read to the Senate. It is as follows:

OAKLAND, CAL., October 21, 1913.

Hon. CHARLES P. HIGGINS.

Sergeant at Arms, United States Senate, Washington, D. C.:

Replying to your telegram, during the 20 years or more since I have been Senator I have been absent from my seat but 19 days when Congress was in session. I have also attended daily the Senate sessions during the extra session of Congress until October 7, when obliged to absent myself on account of illness. I will return to the Senate again as soon as I am able to travel.

GEORGE C. PERKINS.

I wish to state, Mr. President, in behalf of Senator PERKINS, that I have been his pair for 10 years, and very seldom has the pair ever been announced in the Senate. I have never known a Senator to be more faithful to his duties in the Senate than that Senator.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the act (S. 767) granting permission to the city of Marshfield, Oreg., to close Mill Slough in said city.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 142) to provide for furnishing the additional rooms in the House Office Building, and it was thereupon signed by the Vice President.

THE MERCHANT MARINE.

The VICE PRESIDENT. The morning business is closed and the Chair lays before the Senate the special order, which is Senate bill 136.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and

to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to strike out all after the enacting clause of the bill and insert a substitute.

Mr. BURTON. Do I understand that by unanimous consent the bill is taken up now?

The VICE PRESIDENT. It is the understanding of the Chair that it is now in order.

Mr. LA FOLLETTE. I do not think there is any doubt about that, under the unanimous-consent agreement.

The VICE PRESIDENT. It is in order, according to the unanimous-consent agreement.

Mr. LA FOLLETTE. The bill is now in order. There can be no question about that, I think, Mr. President.

Mr. BURTON. Mr. President, it does not promise favorably for a careful consideration of this bill when we note that there are, I believe, by actual count only 17 Senators present. I do not wish to raise the point of no quorum, at least not at this time, and I will proceed with my remarks.

Mr. BACON. Mr. President, I wish to suggest that when the Senator makes that statement he raises it. When a Senator says there are only 17 Senators present he has raised the point that there is no quorum, and under the rule it necessitates that the roll shall be called.

Mr. SMOOT. Does the Senator from Georgia mean to say that even the suggestion of an absence of a quorum in a speech requires that the roll shall be called?

Mr. BACON. I say whenever it is stated by a Senator on the floor of the Senate that less than a quorum is present, in my opinion that is not only the suggestion but a positive statement of the absence of a quorum. It is more than a suggestion; it is a positive statement that by actual count a quorum is not present. That is my understanding of the rule.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BRANDEGEE. Before that is done I want to know whether that is the suggestion of the absence of a quorum or not. Is the Chair prepared to rule?

The VICE PRESIDENT. The Chair rules that when a Senator, without discussing anything whatever, states that there are only 17 Senators present, it is the suggestion of the absence of a quorum, and that it is the duty of the Chair to order the roll to be called.

Mr. BRANDEGEE. In my opinion the mere statement of a Senator is not the official channel by which the presence or absence of a quorum is suggested and his count of the number of Senators is not official. But if the Chair rules that that can be done, without any discussion, I have nothing to say.

The VICE PRESIDENT. When a Senator says he desires a larger audience before proceeding and says there are only 17 Senators present he inferentially suggests the absence of a quorum, which must be settled by a roll call.

Mr. BRANDEGEE. My point is that the mere statement that in the opinion of a Senator, who says that he has counted and, according to his vision, less than the number that constitute a quorum are present is not a demand that the question of a quorum be raised officially in the manner prescribed.

Mr. SMOOT. When a roll call is not specially asked for.

Mr. BRANDEGEE. And when the Senator making it off-hand denies any intention of raising the question of a quorum when he makes the statement.

Mr. LA FOLLETTE. But, Mr. President, he does raise it in a more concrete form than as though he had said he suggested the absence of a quorum.

Mr. BRANDEGEE. If that is true, it is also true—

Mr. LA FOLLETTE. I suppose the suggestion was made that it should appear of record that there was not a quorum here at the time the debate was opened.

Mr. BRANDEGEE. Then, of course, a vote taken now would be void in the absence of a quorum. Yet I direct the attention of the Senator from Wisconsin to the fact that when he obtained the very unanimous-consent agreement under which we are operating the same suggestion was made by myself, that, by actual count, there were only 19 Senators upon the floor, and that was not taken to be the suggestion of the absence of a quorum, and unanimous consent was given.

Mr. LA FOLLETTE. Mr. President, it is perfectly clear that the question of a quorum is going to be raised sooner or later to-day. That is indicated by the statement of the Senator from Ohio. While he announced that there was not any quorum present, he followed it with the statement that he did not purpose to raise that question at this time, although he had raised it. So we are going to have to meet it sooner or later to-day, and we might as well start early and ascertain just how many Senators we have here in the city.

Mr. BRANDEGEE. Of course, far be it from me to attempt to preclude anyone from suggesting the absence of a quorum. I think a quorum ought to be here, and it ought to have been here all the time if important business is going to be transacted. I am simply directing attention to the fact that I do not think up to this time the question of the presence or absence of a quorum has been raised in a manner which compels the Presiding Officer to order the Secretary to call the roll. I may be entirely wrong about it, but that is my view, and I so stated it.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Sterling
Bacon	Dillingham	McLean	Sutherland
Borah	Fletcher	Martine, N. J.	Swanson
Brady	Hollis	Nelson	Thornton
Brandegee	Jackson	O'Gorman	Tillman
Bristow	James	Overman	Vardaman
Bryan	Kenyon	Page	Walsh
Burton	Kern	Shafroth	
Chamberlain	La Follette	Sheppard	
Clapp	Lane	Smoot	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. RANDELL]. I ask that this announcement may stand for the day.

Mr. LANE. I wish to announce for the information of the Senate that the Senator from Michigan [Mr. TOWNSEND] and the Senator from Arkansas [Mr. ROBINSON] are absent on business of the Senate.

Mr. SHEPPARD. My colleague [Mr. CULBERSON] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT]. I make this announcement to stand for the day.

Mr. HOLLIS. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is unavoidably absent. He is paired with the junior Senator from Rhode Island [Mr. COLT].

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. GOFF, Mr. HITCHCOCK, and Mr. WEEKS answered to their names.

Mr. KERN. I desire to announce that my colleague [Mr. SHIVELY] is unavoidably detained from the city. He is paired with the junior Senator from Illinois [Mr. SHERMAN]. I also wish to announce that the Senator from Delaware [Mr. SAULSBURY] is unavoidably detained from the city and is paired. I ask that these announcements stand for the day.

Mr. WEEKS. I desire to state that my colleague [Mr. LODGE] is absent from the Senate on account of illness, and that he has a pair with the junior Senator from Georgia [Mr. SMITH]. I also wish to announce that the junior Senator from Illinois [Mr. SHERMAN] is absent on account of important business. I ask that these announcements stand for the day.

At 11 o'clock and 30 minutes a. m. Mr. NORRIS entered the Chamber and answered to his name.

At 11 o'clock and 35 minutes a. m. Mr. REED and Mr. POMERENE entered the Chamber and answered to their names.

Mr. BRANDEGEE. Mr. President, in order to economize time until the next Senator comes in to help make a quorum, if it is in order to make any remarks, I will make a few remarks now for a minute or two. If the Chair prefers they should be deferred, I will defer them until after a quorum is developed.

Mr. SMOOT. Under the rules—

The VICE PRESIDENT. Remarks are not in order.

Mr. SMOOT. Under the rules nothing can be done.

Mr. BRANDEGEE. Nothing can be done; but it did not follow from what I said that anything was about to be done. [Laughter.]

At 11 o'clock and 42 minutes a. m. Mr. SMITH of South Carolina entered the Chamber and answered to his name.

At 11 o'clock and 49 minutes a. m. Mr. BRADLEY entered the Chamber and answered to his name.

At 11 o'clock and 52 minutes a. m. Mr. MARTIN of Virginia and Mr. THOMAS entered the Chamber and answered to their names.

At 11 o'clock and 58 minutes a. m. Mr. MYERS, Mr. CHILTON, Mr. WILLIAMS, Mr. HUGHES, Mr. LEWIS, and Mr. SMITH of Maryland entered the Chamber and answered to their names.

The VICE PRESIDENT (at 12 o'clock meridian). Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. BRANDEGEE. Mr. President, I will now proceed to make a few brief remarks that I would have made while the Senate was ascertaining the presence of a quorum. It is not an important matter at this time, but it might at some time be of consequence. Therefore I desire to state for the Record that after the morning business has been closed, as long as the unanimous-consent agreement under which we are now work-

ing shall be in existence, in my opinion the unfinished business does not come automatically before the Senate. Rule VIII provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock.

Of course that 2 o'clock is upon the assumption that the Senate meets at 12, and there is a subsequent resolution of the Senate which provides that if the Senate meets at any other hour it shall consider under Rule VIII bills on the calendar until two hours after the time of the meeting of the Senate. So to-day, for instance, when the announcement was made by the Chair that morning business was closed, in my opinion until the hour of 1 o'clock should have arrived, that being two hours after 11, at which time we convened to-day, the pending bill, the subject of the unanimous-consent agreement, could not come before the Senate unless by unanimous consent or unless upon motion made and carried.

It seems to me that must be so, unless the unanimous-consent agreement, which was that on last Thursday the Senate would proceed to the consideration of the pending bill, and that not later than at 4 o'clock on Thursday, October 23, 1913, the Senate will proceed without further debate to vote upon any amendment that may be pending, and so forth, shall be construed to have abolished morning business; and I do not think it did or could be so construed. Evidently the Senate has not thought so, because we have been proceeding with morning business regularly each day since that consent agreement was adopted.

I simply want to put in the Record my view of the question, that when the morning business is closed, as it was this morning within 5 or 10 minutes after we convened, the pending bill, which is the unfinished business upon the calendar and would come up automatically therefore two hours after the opening of the Senate, could not come before the Senate under the rules except by unanimous consent or upon a motion made and carried.

The VICE PRESIDENT. The Chair is of the same opinion as the Senator from Connecticut.

Mr. BRANDEGEE. The Senator from Connecticut will say to the Chair that he understood the Chair to have previously ruled otherwise or else he would not have made these remarks.

The VICE PRESIDENT. I read the unanimous-consent agreement, and am frank to say I read it as it operated October 16.

Mr. BRANDEGEE. The Senator from Connecticut had no motive in making his remarks except that it might appear in the Record that if the ruling of the Chair was to be so construed I desired to differ with it.

The VICE PRESIDENT. The ruling will not be taken as a precedent; and if the question arises again it will be an open question.

Mr. SMOOT. Mr. President, it seems to me that under the unanimous-consent agreement the bill S. 136 does come before the Senate immediately after the conclusion of the routine morning business—that is, not at the close of the morning hour, but after the routine morning business—and whenever the Chair announces that the routine morning business is closed this bill should be placed, under the unanimous-consent agreement, before the Senate.

Mr. BRANDEGEE. Inasmuch as that view differs from the one just expressed by me, may I ask the Senator what language in the unanimous-consent agreement justifies his construction?

Mr. SMOOT. The language is this:

It is agreed, by unanimous consent, that on Thursday, October 16, 1913, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill S. 136—

And so forth.

Mr. BRANDEGEE. What of it? I agree that the Senator has correctly read so much of the agreement as he has read, but it does not seem to me to bear out the statement which he has just made.

Mr. SMOOT. It seems to me that the routine morning business closes immediately upon the Chair announcing that the morning business is closed.

Mr. BRANDEGEE. It certainly does.

Mr. SMOOT. That is the conclusion of the routine morning business.

Mr. BRANDEGEE. Certainly.

Mr. SMOOT. Then this bill will come up for consideration under the unanimous-consent agreement.

Mr. BRANDEGEE. Not at all. The Senator is now stating something not contained in the agreement. The agreement from which he has correctly cited states that on Thursday, October 16—which was a week ago—the Senate, immediately upon the conclusion of the routine morning business of the

Senate, shall proceed to the consideration of the bill. All that was done a week ago, and nothing, so far, that I have read would justify the statement that immediately upon the conclusion of the morning business each succeeding day the Senate shall take up forthwith the bill and proceed with it.

Mr. SMOOT. Then the Senator takes the position that the unanimous-consent agreement applied only to Thursday, October 16, as far as taking the bill up immediately upon the conclusion of the routine morning business.

Mr. BRANDEGEE. It simply fixes the time when the Senate will take it up.

Mr. SMOOT. The Senator thinks it should not apply to any day after Thursday, October 16?

Mr. BRANDEGEE. Not unless it says so. The Senator's view, I assume, is that the Senate should continue the consideration of the bill without interruption until acted upon, and yet the mere suggestion of morning business each day acknowledges the interruption of it; and having interrupted it with morning business, then we are subject to the rules governing morning business, and one rule says that immediately upon the conclusion of the morning business the Senate shall proceed with the calendar under Rule VIII.

Mr. SMOOT. Perhaps, technically, that would be right, Mr. President.

The VICE PRESIDENT. It seems to be further borne out by the Record that the bill was also made the unfinished business of the Senate.

Mr. BURTON. If it is necessary, I will ask unanimous consent that the unfinished business be laid before the Senate, as I understand the ruling has been made that it is not before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. BURTON. Mr. President, I desire to bring to the attention of the Senate several telegrams of exceptional importance which I have just received. The first is one from Senator CRAWFORD, who for weeks was upon the subcommittee which last winter considered this bill. He states in a telegram dated at Huron, S. Dak., October 22:

I am leaving for Washington to-night. Can not arrive before Friday evening. Am for the Nelson bill.

I very much regret Senator CRAWFORD's absence.

In the statement that I made a few days ago in regard to the men who first responded and who were chosen on the *Grosser Kurfurst* at the time of the *Voltorno* disaster, I am inclined to think that I was in some error. Either my information was inaccurate or I misunderstood a conversation. However, a very considerable share of the men who took part in the work of rescue were other than sailors. I have asked that an exact statement be furnished me of the men who manned the boats. This is given by Capt. Moeller, the local superintendent of the North German Lloyd Line at Hoboken, after he had made full inquiry. It is to be noted that the *Grosser Kurfurst* came close to the *Voltorno*, and, I understand, was the first that succeeded in taking passengers off the burning ship. I now read a telegram received from Capt. Moeller:

Besides sailors, also stewards, scullery men, and coal trimmers volunteered and were picked to man lifeboats of *Kurfurst*. Captain reports first lifeboat under second officer.

Then he goes on to tell of what the crew was made up:

One quartermaster, one sailmaker, four sailors, one boiler maker, one coal trimmer.

So there were three who were not sailors in this crew.

Second lifeboat under third officer, six sailors, three stewards, one trimmer.

Making six sailors and four others of the crew.

Third lifeboat under fourth officer, two quartermasters, two sailors, two stewards, one scullery man, two trimmers.

Two quartermasters and two sailors would make four, and there were five others—two stewards, one scullery man, and two trimmers.

The last boat was manned by a majority of nonsailors.

These three lifeboats went to rescue at night during heavy storm and high sea and saved 32 persons from *Voltorno* before daybreak. Rescue after daybreak comparatively easy account moderated weather.

I repeat that not only our sailors but all the men employed in the different departments on board are constantly drilled in handling lifeboats.

I have here also a telegram from the master of the *Kroonland*, which was engaged in the work of rescue. It states:

When my ship rescued 88 people from burning *Voltorno*, heavy gale blowing and a terrific sea running. Many volunteers from all departments of my crew offered to go in the boats. All were eligible for the work of handling the lifeboats. I selected crews composed of sailors, firemen, and stewards; in my judgment, the said firemen and stewards being more competent for the work than some of the deck hands, due to our frequent training in boat drills. Launched three boats.

On this same subject I wish to read a letter from a man conversant with conditions on the Great Lakes, from the manager of a great passenger line at Detroit, which for many years has had no accidents whatever. It is from Mr. A. A. Schanz, manager of the Detroit & Buffalo Line. He says:

With reference to our conversation last Tuesday evening regarding the lake seamen's efficiency in handling lifeboats, I am pleased to say our company gives cash prizes for the most efficient crew on each of our steamers, and before the close of the navigation season we give a grand prize to the most efficient crew of all of our fleet. The prize on each boat for the most efficient crew is \$50 and the grand prize is \$200, so there is quite a competition between our crews on each steamer in their work in this direction. Last year on the steamer *City of St. Ignace* we had a crew of firemen who were made up of Greeks who had never sailed up to that year, but they won the prize on that steamer for the best handling of their boats, oarsmanship, and everything pertaining thereto. When the time came to have the contest for the grand prize this crew of Greeks won the first prize on account of their great efficiency.

We have 10 boats in our fleet, and in a number of cases the steward's crew were first in efficiency. The able-seamen crew were usually second or third.

Then he goes on to say what is perfectly well understood, that the frequent changes of personnel, the comparatively short service of the seamen, diminishes their efficiency and makes them less suitable for the handling of boats, because they do not know the arrangement of the mechanism, the davits, or the location of the boats.

Mr. LANE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. BURTON. Certainly.

Mr. LANE. There is a little bit of matter pertaining to this handling of boats at sea and in rough water which I do not think is being given the attention which it deserves. I do not think that the Senator from Ohio—although I do not question his sincerity at all—understands the question. The handling of a boat in a rough sea and the launching of a boat, the lowering it from davits at sea, is entirely different from anything which ever occurs at all in inland waters, I think, of the Lakes even.

The claim of the seamen—able seamen, men who have been at sea—that it requires two men, able-bodied seamen, men of experience before the mast, to lower a boat is founded upon experience that goes back for hundreds of years. It is known everywhere among men who live upon the sea and by the sea and who go down to the sea in ships that there is all the difference in the world between an oarsman, even on the prize crew of Harvard or Oxford, and a man who can handle an oar in rough water at sea. I have handled a boat and I have pulled in salt water against a head wind and against a tide, and I know the difference.

I do not like to have this information passed out to Senators. Although, as I said, I make no question of the sincerity of the Senator from Ohio, I know, however, from the way he talks and the number of hours that I have stood by and pulled an oar that he knows nothing about the proposition of which he speaks in that respect.

An able-bodied seaman is as entirely different from a land-lubber or a fireman as a trained musician is from an amateur. An able-bodied seaman has to know how to handle lines, and running through blocks, and how to work in unison with his mate. He works in as exact harmony of movement as a musician does at the beating of the wand of a bandmaster, and it comes from training. It is a trick of the wrist. It comes from experience, and no man can let down a boat from the davits through the block and tackle and handle a line in a storm who does not know how to pay it out with the man who stands at the bow if he is at the stern, or the man at the stern if he is at the bow. A green hand, if he is a fireman or if he be a graduate of Harvard or Oxford or the president of the institution, will rip the skin off his hands and burn them down to the bone if he lets it go down with a run. He has got to know how to snub his line and hold it and watch what the other man is doing and lay the boat down on an even keel into the suds of the breakers which are hammering against the side of the ship.

Go into Alaska, high up into the Aleutian Islands, and you will find Eskimos who will throw their boats over into the surf and breakers from off the cliff and lay them on an even keel and trip out to sea as light as a swallow floats through the air. Put a greenhorn crew in those skin boats and you will drown every last man of them. The man who lets down a boat from the davits must pay attention to the hand of the man who stands at the other end.

Mr. BURTON. I ask the Senator from Oregon how much longer he probably will wish to address the Senate.

Mr. LANE. I do not want to address the Senate a minute longer in the time of the Senator. When he gets through I will try to throw some light on this subject. I want to show up this proposition. I have gotten tired of hearing this talk by sea lawyers about handling boats at sea. I have been to sea in all kinds of crafts.

Mr. BURTON. If the Senator from Oregon had done me the honor to listen to my remarks yesterday, he would have found the whole subject of lifeboat handling had been treated. The first requisite is that there shall be an officer on the bridge who handles the boat in a proper way. It is necessary that the boat be headed toward the wind and the waves. If it is not, a boat which is lowered will meet waves dashing against the side of the ship, and no effort in the way of lowering it can be successful.

We must take into account that there are a number of qualifications required for the handling of lifeboats. First of all, the mechanism at the top, the lowering, the meeting of the sea, skill in rowing, whether in a heavy or a light sea. I have studied that subject somewhat thoroughly. When you have a gale of 40, 35, or even 30 miles an hour it is exceedingly difficult, if not impossible, to handle a lifeboat. No one has insisted more strongly than I have on general boat drills both in the harbor and at sea and in all kinds of weather. Most of that work is necessarily done in the harbor, because there boatmen can gain more practical familiarity with the mechanism, with taking off the boat, with letting it away so that it shall go down to the water evenly without spilling out the occupants. In addition to that, they should practice rowing in all kinds of weather, rough weather as well as smooth. They should also become familiar with their stations.

Competency as a lifeboat hand is not a question of three years' service as a seaman; it is based on physical capacity and drill. That is what makes a good lifeboat hand. If a man is muscular, has courage, and has had the practice which enables him to handle a boat, then he will be a good lifeboat hand whatever title you give him. If he lacks those qualities, he will not be. In the conditions which exist in our merchant marine the stewards, the firemen, and others of that class are much more constantly with the boats, so that the drills, to which all should be subjected and in which they all should take part, can be enforced with them better than with any of the others. The letter from which I was reading proceeds to say:

I respectfully request that you offer an amendment to the present seamen's bill making it compulsory that members of every department on a steamer shall be compelled to drill both in fire and lowering of boats, and that every member of the crew shall be assigned a station in case of accident or fire, and there should be a penalty attached to those who do not comply.

Have you given any thought to the fact that if the present bill passes as it reads, that 60 per cent of the day outing and excursion boats will be put out of business, owing to the fact that they were not constructed to carry this heavy weight of so many lifeboats on the upper deck? As you know, most of them are side-wheelers and are operated in shallow water, and they must be light in construction. It is this class of boats that give the working and the middle class a day's outing at a very reasonable fare, and if the bill is passed 60 per cent of the people now employed on the Great Lakes would lose their positions. I therefore respectfully request that you insist upon the Great Lakes being excepted from the bill.

Mr. President, this bill puts an ocean-going steamer, or one crossing the ocean, on the same footing with a boat that goes no more than 5 miles from land; it puts a boat which never goes in water deeper than 20 or 30 feet, or even less, where the hull would not be submerged, on the same footing with a boat that in its voyage sails over water 20,000 feet in depth.

This has been a very perplexing and difficult problem. Our supervising inspectors in their various meetings each year have taken it up and prepared the most careful regulation covering it. They make certain exemptions in the summer season; they provide for the use of rafts in certain seasons of the year and in some localities for boats in other seasons; they grade their requirements according to risks, and do not attempt to make universal regulations which shall be applicable in all places. This bill would apply to Lake George and to Lake Champlain, to excursions which simply round the corner in going from New York to Coney Island, to boats which go across from the piers in New York City to Sandy Hook, having an enormous traffic with New Jersey, a line on which, I believe, there has never been an accident, and on which the boats are of the very best construction. There would be three obstacles which would be fatal to compliance with the provisions of this bill—first, the number of men required—that is, perhaps, not the most important; second, the place for the stowage of the boats on the deck; third, the weight which would be created by placing these boats on the deck.

There has been much discussion between German and English experts in reference to the places for the stowage of lifeboats.

On some of the German boats the smaller boats are placed on the second deck from the top. The English experts of the board of trade have rather opposed that plan, first, on the ground that the boats could not be quickly handled, and, second, because in a high sea the water would come up so high that they could not readily be lowered.

Why, Mr. President, what does this substitute attempt? It seeks to wipe out all the regulations of these many years and to substitute a standard of requirement that has been repeatedly considered and repeatedly rejected. While it is true there have been casualties which we all deplore, nevertheless the operation of our merchant marine has been attended by a degree of safety in travel unsurpassed by rail, by foreign steamers, by sailing vessels, or by any other means of transportation in the world.

I wish to call attention briefly to the question of the control of foreign ships in American ports. If there is any one thing that is clear in this decision in the *Wildenhuis* case, it is that the Supreme Court regards international law as giving to the foreign boat the control of the relations between the master and the seamen, under the jurisdiction of its consuls.

Chief Justice Waite says, in speaking of this subject:

From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulations of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquillity of the port, should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged, as the laws of that nation or the interests of its commerce should require.

If there can be any plainer language than that in the enunciation of the general international law on the subject, I should like to hear it. The learned justice proceeds:

But if crimes are committed—

This was a murder case, where one man had killed another—

But if crimes are committed on board of a character to disturb the peace and tranquillity of the country to which the vessel has been brought, the offenders have never by comity or usage been entitled to any exemption from the operation of the local laws for their punishment, if the local tribunals see fit to assert their authority. Such being the general public law on this subject, treaties and conventions have been entered into by nations having commercial intercourse, the purpose of which was to settle and define the rights and duties of the contracting parties with respect to each other in these particulars, and thus prevent the inconvenience that might arise from attempts to exercise conflicting jurisdictions.

I read this yesterday, Mr. President, but some Senators are now here who were not here then, and I now repeat it, because the plain language of this judicial decision has been interpreted in a way which it will in no way justify.

It is said that treaties and conventions have been made affecting this matter. We have made a treaty or convention providing that—

Consuls general, consuls, vice consuls, or consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court nor authority shall, on any pretext, interfere in these differences, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port.

Now, we have made that kind of a treaty, and yet without any notice of abrogation or any consultation with the other Government, without even putting a clause in this bill that the treaty is to be abrogated, we are proposing a regulation under which the wages, which by their contracts are paid at the end of the return voyage or wherever they please, shall be paid in the United States, no matter what the contract may be, and that the courts of the United States shall be open for the enforcement of that rule. Whether there should be in force such a rule as that is not the question. Right here we are riding roughshod over the provisions of this treaty, without so much as a note of warning even in this bill itself.

As I interpret it, there is still an even worse provision than that. It will be noted, beginning at the top of page 16, in section 12, the substitute bill makes the following provision:

Provided, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she is provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel and unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher, who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

And on the preceding page it is provided:

Sec. 12. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman.

Clearly that provision in regard to the proportion of so-called able seamen in the crew of the boat and relating to the requirements for the management of lifeboats applies to foreign vessels. How are you going to find out whether the men are able seamen or not? Either that clause means something or it means nothing. It is evident from the very drastic penalty proposed on the following page that it is intended to mean something, because it is there said:

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section—

That is, having a requisite number of able seamen—

Provided, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart.

That is, on his own motion or on the sworn information of any citizen of the United States a boat can be stopped, and, no matter how fast her schedule is, no matter how heavy the penalties are which may be imposed upon her for not starting with the mails at a certain time, up to six hours within the time fixed for her departure the complaint may be made, and the collector of customs shall order a muster of the crew to see whether there is the required number of able seamen on board. How are you going to find out? The provision on page 16 is:

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes.

Then it goes on to provide how the status of an able seaman is determined, as follows:

Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years' service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

That is, a specific way of determining whether a man is an able seaman or not is provided by making this application and the issuance of the certificate. A foreign vessel comes in to one of our ports. What must it do under this provision? It must compel its seamen, before they can establish their status as able seamen to comply with this law, to take out certificates in the United States under our inspectors, and allege as the basis that they are at least 19 years of age and that they have had three years' service at sea or on the Great Lakes. Does anyone suppose for a moment that any foreign nation is going to submit to any such regulation as that? More than that, is it just that we should demand that no boat shall leave our ports except with a certain number of a specified class, and then prescribe the manner in which that specified class shall be determined by the issuance of certificates, requiring them to have our certificates before we will permit them to go forth?

There is another point concerning this which, however, does not assume very great importance. The German and the Norwegian rule is 18 rather than 19 years; indeed, the world over the majority of the most active sailors are young men. It is stated that on Admiral Sperry's fleet, which went around the world, the average age of the men was only a little over 21 years. I do not wish to express any opinion as to which is the better age limit, but the fact is that the age limit prescribed here would conflict with that of foreign nations.

So that I may not be misunderstood, let me repeat what I have already said, that not a single one of these nations—Germany, Norway, France, England, Russia—has a general requirement like that in this bill for any special proportion of able seamen.

Among the great maritime nations this bill, if passed, would be the first regulation of the kind. I want to add in this connection that it would be utterly impracticable to obtain the men. What is the condition of our merchant marine regarding

service at sea? The work is not of a type which affords a pleasing prospect to the average American, whether he be native born or naturalized. After a few years of service, certainly after three years, they seek some better positions. In the same length of time that you provide in this requirement for able seamen a man can apply for a license as mate of a vessel or to be an engineer. As I stated yesterday, in one year less than is provided in this requirement for an able seaman—that is, in two years—if a man is on a river or on inland waters he can apply for a license as a mate.

It would be utterly impossible to tell how many men we have; but I wish to read from a memorandum by Mr. Chamberlain, the Commissioner of Navigation, in a report that he made last year on a similar bill:

On June 30, 1911, excluding vessels on western rivers, there were 24,143 documented vessels of the United States. How many of these are employed in navigating other rivers exclusively I can not determine. Probably 20,000 would come within the section as I understand it. I can not determine the deck crews of these 20,000 vessels, which range from 1 to about 40. The bill, however, will probably require about 40,000 certificated able seamen 90 days after its passage. In April, 1911, the British census showed, excluding masters and mates, 36,927 able seamen, or those of higher ratings, including quartermasters, boatswains, carpenters, etc.

That is, with their enormous merchant marine, far and away in the lead among all the nations of the earth, the British have only 36,000 able seamen, and that, too, under a system which has been in vogue for a great many years, under which they give certificates to able seamen. We have had no such system. We have had no such classification.

The bill as it passed the Senate last winter provided for a classification of that kind, so that we might make a start, if it were thought desirable, to require that a certain number of able seamen should be on every boat. If the system works well, it might be best, although these other maritime nations have no such requirement, that we should have it. But here you are proposing in this bill a requirement which it is estimated will require 40,000 men of a certain class, and yet you do not have a single man certified for that purpose.

Does anyone suppose for a minute that you are going to find it possible within 90 days to carry out the provisions of this bill, or within a year, or even two years? Your men, when they serve a year or two, and especially when they serve three years, are going out into some other line or calling. They are not going to stay by the sea. It is true that in England, and especially in Norway, and in Germany as well, there live a class which follows the sea generation after generation—father, son, grandson, all of them. But in this country the son of a sailor, under the beneficent opportunities that are afforded by our public schools, studies for some other position more to his taste. Perhaps he becomes a lawyer; perhaps he becomes a merchant. We have no such class of sailors to draw from, and you can not obtain them.

I make the statement with the utmost confidence that if you pass this bill, or any such measure, you can not enforce it. You will not be able to get the men. It will not be a question of wages; it will, I say, be a question of men. You will have a law providing that a boat shall not leave a port, except in a river, or when it plies inside a harbor, unless it has this proportion of able seamen, which you can not find even if you should look to the four quarters of the earth. The Germans could not find them for their boats. The English could not find them for their boats. It would be far and away more difficult for us to enforce this law upon our ships, and it would not only be out of comity with other nations, but it would be imposing on them a regulation with which they could not comply.

That shows the danger of framing bills in accordance with an ideal, or introducing a bill or a substitute for it that is based on the contention of one side only. The subcommittee took up this matter last winter, and every member gave it the most elaborate attention. I think I am safe in saying that no one argued more strenuously than our colleague who is now absent, the Senator from South Dakota [Mr. CRAWFORD], that this provision could not be enforced.

There is a provision in the Nelson bill to the effect that there must be a sufficient number of men to interpret the orders given on a boat. It makes the same general provision as the proposed substitute, that 75 per cent must be able to understand the orders of the officers. As I recall, "75 per cent in every department" is the provision in the bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE]. I read the language:

Not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel.

Just what that means probably would be a matter for the executive department, and perhaps ultimately for the courts to determine. Does it mean that a man in the fire department

must understand the language of the captain and his orders? Does it mean that a man in the steward's department must understand the language of the chief engineer?

It is very desirable that all the men on board a boat shall speak the same language, just as it is desirable in our rolling mills that all the men shall understand English perfectly. But such has been the tremendous growth of our industries and the scarcity of men that there are thousands of persons in our furnaces and iron mills handling red-hot ladles who do not understand English. So rapidly has our whole industrial and commercial population increased that we are bringing in great numbers of those who at best only partially understand our language. I should be glad to see some change effected, so that the men in those mills will not have their lives endangered by a sudden emergency.

The committee considered that matter, and I will say with the utmost frankness that they had more doubt about it than some other provisions in the bill. There was one consideration that weighed considerably with us. We wanted, if possible, to preserve the American flag on the Pacific Ocean in the trans-Pacific trade. I have always opposed ship subsidy as strenuously as anyone in the Senate; but there are, I believe, only five or six ships left that sail to the mainland of Asia from the western coast of the United States. They are placed in sharp competition with a great Japanese line, which, as stated yesterday by the Senator from Florida [Mr. FLETCHER], receives a very large subsidy. They are also competitors with the Canadian Pacific Line, which receives a very considerable mail payment. They do not call it "subsidy," perhaps; they prefer to call it by some other name. Our boats, on the other hand, do not receive a dollar of subsidy. All these other boats have oriental crews, outside of the officers.

There are some pretty good reasons for that. In crossing over to Hongkong, under this bill, you could not have in the fire department a Japanese or a Chinese fireman unless he understood the English language. In a part of that trip the temperature is exceedingly severe—so severe that the Caucasian, certainly the American, will not perform the work. Indeed, he can hardly endure it. These Chinamen—and they are not of the small type that we are accustomed to see engaged in the laundry business and similar occupations in our own country—were put upon the boats as stewards, as furnace men, and as sailors.

Take the case to which I have referred, that of furnace men. Without an exception, every single line employs these orientals because they can better endure the heat. Our American transports tried for a while to have native Americans or Caucasians in the fire department, but they continually had trouble and were forced to give it up, and to-day they are using Filipinos for the purpose.

In view of all these things—the disadvantage at which our boats are placed in competition with others and the kind of work to be done—the committee thought the adoption of this provision as it stands in the substitute would drive our flag out of the trans-Pacific trade. I for one do not like to take that responsibility.

What would be the result of the adoption of this provision? The six boats engaged in the business on the Pacific no doubt would be forced to withdraw. The traffic, both freight and passenger, between the ports of the Pacific coast and the Orient would be turned over very largely to the Japanese. I can see one town that would benefit very much by it, and that is the town of Vancouver, in British Columbia, where they have no such regulation, where they will still allow boats having Chinese firemen and Chinese crews to come in, and to which the boats which otherwise would come to Seattle and Tacoma and Portland would go instead.

Mr. President, it is not a matter of a language test on boats. The skilled sailor can understand what is desired by a few words. When the *Titanic* was in extremis there was such a rush of steam that, at least at one time, in manning the lifeboats none of the crew could hear the words of the officers, but they were directed with just as much certainty as if he had spoken to them in a language that they understood. I do not know what sort of tests would be adopted.

Right in this connection I may say that it would require a very large force to carry out this bill. Our collectors of customs are asked to ascertain whether this 75 per cent of the crew understand the orders of the captain. I have the highest opinion of our collectors of customs, but I do not believe a third of them could understand, if all spoke English, the orders which the captains and masters gave to their crews, and much less if the officers spoke another language. What are you going to do? Put in a great force of interpreters, and thereby determine whether the crew understand the language of the officers? It

would be vesting a great degree of discretion in persons who are not qualified, however excellent their abilities may be, in a matter of this kind.

I repeat that I do think it most desirable that so far as possible the language of all should be the same; but in view of the conditions of trade on the Pacific and on some portions of the Atlantic I do not believe it will be practicable or will afford encouragement to our shipping to enforce this rule in the form in which it appears in the substitute bill.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. Certainly.

Mr. FLETCHER. In reference to that requirement regarding the language, I call the Senator's attention to the fact that in the substitute no reference is made to the language. There is nothing said there about requiring a certain percentage of the crew to understand the language of the officers. It simply requires that there shall be 75 per cent in each department able to understand any order given by the officers.

Mr. BURTON. Yes. That, of course, implies, however, an understanding of the language.

Mr. FLETCHER. It was in Senate bill 136 that we inserted the word "language."

Mr. BURTON. Yes. I think it is better to have it.

Mr. FLETCHER. It seems to me the point the Senator is making applies rather against the provision of Senate bill 136 than against the provision of Senate bill 4 or the substitute.

Mr. BURTON. I do not think so, because the requirement is sweeping and absolute in the case of Senate bill 4, but is not in the other.

Mr. FLETCHER. It says, "understand any order given." The Senator has just said that orders may be given without a word being spoken.

Mr. BURTON. Yes.

Mr. FLETCHER. As in the case of the *Titanic*, orders were given where no one was heard, but they were given by signs and by signals. I am inclined to think that if the order is understood that is the main point to gain, without reference to whether the crew understands the language of the officer giving the order.

Mr. BURTON. I thank the Senator from Florida for the suggestion. It is, however, manifest that this provision in Senate bill 4 would be much more severe and much more difficult of application; but the Senate committee in considering it did not feel justified in leaving out all reference to the language. There should be some understanding of the language and there should be picked men to act at any time in case of emergency.

Mr. President and Senators, I want to call attention to one thing in this bill which shows the way in which it is drawn, as I think, with regard for only one side. On page 9 of the substitute, as now pending on the motion of the Senator from Wisconsin, and in subdivision 6 is the following in the list of punishable offenses by seamen:

For assaulting any master or mate by imprisonment—

And so forth.

All agreed that discipline should be enforced on board the boat, but it was suggested that it was just as serious an offense to assault an engineer or a chief steward as it was to assault a mate. Indeed, in the fireroom, farther removed from the open space on deck, there would be stronger probability of a seaman or sailor assaulting an officer. So it was proposed by the committee that those words be changed to assaulting "any master or licensed officer," thinking that without that this bill could not be made complete. I see the word "mate" is retained here in the substitute.

Now, when there is a provision which looks the other way let us see what is done. On page 11, section 4611 of the Revised Statutes is to be reenacted in this form:

Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years.

In the one case it is the master or the mate. They are the only persons for whom, if attacked, punishment can be inflicted. In the other case, where the offense is against the subordinate on the boat, then it is the master or other officer, which will include not only the master but the other licensed officers and the petty officers on board. Mr. President, it does not seem to me that that is quite fair, that it is keeping the scales quite equal.

Another thing. After long discussion, the Senate committee thought it just to insert a provision to the effect that punish-

ment should be provided for attempting to prevent anyone from seeking employment or to prevent anyone from remaining with the boat by threat or force. I will read the whole section. It is on page 15 of Senate bill 136:

If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment—

That is a part of the old law really. The object of that is to prevent the sailor from losing his wages, or a part of them, in obtaining a job on board any boat—

or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

In order to maintain discipline, in order to secure the departure of boats on time and without undue delay, it was thought desirable to impose a penalty not against mere persuasion but against threat or force.

Mr. President, let me read the law with reference to those who seek to get men on the boat, and it has been the law for some years. It is found on page 61 of the Navigation Laws of the United States, edition of 1911, punishing those who induce anyone to go on board.

Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats, or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined—

Indeed, the section not only applies to the man who uses the threat or the force to get a man on board, but also to the man who is on board and who might not know of the circumstances under which the other was induced to come—

or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

Why should you have a penalty in one case and not in another? Our laws should be fair to all. If force or threat or causing a man to be intoxicated or inducing him by misrepresentation to go on board a boat is an offense, then there should be an equal penalty for the use of force or threats brought to bear to get him off the boat or to induce him to disobey orders on board ship.

In all these matters our sympathy naturally would be with the seamen, but it is a question as to what is fair and equitable in a system of law covering this subject, that it may be just and uniform in its relation to all classes. I insist we are not justified in making this an offense in one case and refusing to make it an offense in another.

There is one point to which I will not call extended attention, but to which I wish to refer for a few minutes, that I think disproves the idea that the main object of this proposed substitute is the safety of life. In the bill as it passed the House there was a section known as section 14, on page 26. I mean the bill as it passed the House and came to the Senate on the 5th day of August, 1912. It is as follows:

That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

The section then provides a severe penalty.

Mr. President, there has been no one kind of navigation in this country in which the proportion of loss of life has been so large as in the navigation of barges. We all know what happens. A tug may go out with barges attached. They may be schooners no longer in use as such. They may be barges specially constructed. If a storm arises it may be necessary to cut them loose, and, unless there is motive power on the barges, sail or otherwise, and a sufficient crew, the result of this cutting loose is certain death. The committee were ready to report upon this feature of the measure when from various influential quarters protests came against it, the advocates of the bill abandoned this clause, and it was dropped and a very harmless provision was substituted.

First, let me show the loss of life that has happened on these schooner barges. The number of barges lost in 1911 was 35, the number on board, 33; the number of lives lost, 11.

In 1906 the number of schooner barges and barges lost was 40 and the number of lives lost 27.

In the six years there was a loss of 234 and a loss of life of 121.

In no other department of our navigation—river, lake, or ocean—has the proportion of loss been so large as in that. Let us see what we have in this bill regarding that.

SEC. 16. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

This provision, which came in here so ambitiously as the means for promoting safety of life, was boiled down to statistical information.

I do not wish to detain the Senate much longer, but I desire to file as an exhibit a list of losses of vessels. The available statistics on this subject for foreign countries are not altogether satisfactory. I will go over, briefly, the list of losses of our own merchant marine, beginning September 16, 1903. This was furnished by the Supervising Inspector General's office. It seems to me it can not be altogether complete, but I file it, especially because it shows the kind of casualties, the causes of the loss of life, and the causes of wrecks.

September 16, 1903, the tug *Spartan* was lost on Browns Shoal, in Delaware Bay; cause, foundering; loss of life, 2.

May 5, 1903, steamer *Saginaw*, Atlantic Ocean, off coast of Maryland; collision with steamship *Hamilton*.

October 19, 1903, steamer *South Portland*, near Cape Blanco, Oreg.; struck rock and beached.

Then, going over the list, the steamer *Clallam* foundered with loss of 50 lives.

The next struck a reef. It will be noted here that the main cause of wrecks or losses is collision either with another vessel or what is the same, if you may call it a species of collision, running on a rock or running ashore in time of fog or storm.

Next to that in frequency, the loss of vessels is caused by foundering. The Lloyd list for all boats of a thousand tons gross or more lost for the year 1907 shows 273 boats.

I want to have this printed in the RECORD. It will be interesting to note that of this number 6 were abandoned at sea; there were broken up and condemned, 1; burned, 17; collision, 40; foundered, 35; not classified, 3; missing, 19.

Then comes a very general subdivision, which diminishes somewhat the value of the figures: Wrecks, stranding, rocks, and so forth, 152. But these figures go to confirm the general statement that I made, that the principal cause of wrecks has been running on another object, either a collision or a rock or stranding on shore; next to that comes foundering. Next to that perhaps fire is one of the most dangerous of all calamities under modern conditions.

The PRESIDING OFFICER. Does the Senator from Ohio ask to have the paper referred to incorporated in the RECORD?

Mr. BURTON. There are two papers—a list of wrecks of vessels of the United States since 1903, and the general list, which is a summary of a list in Lloyd's for the year 1907.

The VICE PRESIDENT. It will be so ordered, without objection.

The matter referred to is as follows:

List of wrecks of vessels of the United States.

Date.	Name.	Place.	Cause.	Loss.	
				Life.	Property.
Sept. 16, 1903	Tug <i>Spartan</i> ..	Brown Shoal, Delaware Bay.	Foundered....	2	(1)
May 5, 1903	Steamer <i>Saginaw</i> .	Atlantic Ocean, off coast of Maryland.	Collision with steamship <i>Hamilton</i> .	14	(2)
Oct. 19, 1903	Steamer <i>South Portland</i> .	Near Cape Blanco, Oreg.	Struck rock and beached.	19	\$62,000
Jan. 18, 1904	Steamer <i>Clallam</i> .	While crossing from Port Townsend, Wash., to Victoria, British Columbia.	Foundered....	50	100,000
Apr. 11, 1904	Steamer <i>Colon</i>	Remedios Reef, San Salvador.	Struck reef....	.....	150,000
Sept. 4, 1904	Steamer <i>Mincola</i> .	Off Tiget River, Okhotsk Sea, Siberia.	Struck uncharted rock.	.....	400,000
Feb. 27, 1905	Steamer <i>Oregon</i> .	Off Crescent City, Cal.	Fire.....	.....	76,000
Aug. 28, 1905	Steamer <i>Pecunia</i> .	Northeast coast of Florida.	Foundered in gale.	20	(3)

1 Not reported; tug lost. 2 *Saginaw* lost; not reported. 3 Steamer lost; not reported

List of wrecks of vessels of the United States—Continued.

Date.	Name.	Place.	Cause.	Loss.	
				Life.	Property.
Oct. 5, 1905	Steamer <i>St. Paul</i> .	Punta Gorda, Cal.	Struck rocks....	.....	\$450,000
Jan. 22, 1906	Steamer <i>Valencia</i> .	Vancouver Island.	Stranded and broke up.	134	175,000
Sept. 13, 1906	Steamer <i>Oregon</i> .	Hinshinbrook Island, Alaska.	.....do.....	.....	150,000
Mar. 3, 1907	Steamer <i>Dakota</i> .	Japan, Kikone Reef.	Struck reef....	.....	2,880,000
July 27, 1907	Steamer <i>Columbia</i> .	Off Shelter Cove, Cal.	Collision with steamship <i>San Pedro</i> .	86	725,000
Apr. 3, 1909	Steamer <i>Indiana</i> .	Near Point Tosco, Lower California.	Stranded.....	.....	575,000
Aug. 26, 1909	Steamer <i>Ohio</i> .	Opposite Steep Point, British Columbia.	.....do.....	4	315,000
Jan. 12, 1910	Steamer <i>Czarina</i> .	Coos Bay, Oreg...	Foundered....	24	90,000
Feb. 4, 1910	Steamer <i>Kentucky</i> .	Off Cape Hatteras.	.....do.....	.....	87,000
Oct. 10, 1910	Steamer <i>Arkadia</i> .	At sea, New Orleans to San Juan.	.....do.....	38	360,000
May 12, 1911	Steamer <i>Merida</i> .	Near Cape Charles, Va.	Collision with steamship <i>Admiral Farragut</i>.	.....	1,000,000
July 7, 1911	Steamer <i>Santa Rosa</i> .	Point Arguello, Cal.	Stranded and broke up.	4	300,000
Aug. 16, 1912	Steamer <i>Pleades</i> .	Coast of Mexico near Cape Lazero.	Stranded.....	.....	75,000
Jan. 7, 1913	Steamer <i>Rosecrans</i> .	Peacock Spit, Oreg.	Wrecked on bar.	29	270,000
Jan. 3, 1913	Steamer <i>Julia Luckenbach</i> .	Chesapeake Bay...	Collision with steamship <i>Indrakuala</i> .	16	(1)
Aug. 19, 1913	Steamer <i>State of California</i> .	Gambier Bay, Alaska.	Struck rock and sank.	31	350,000

1 Not reported; Julia Luckenbach sank.

Wreck statistics for 1907.

[From the Scientific American Supplement for Sept. 19, 1908, p. 178; from Lloyd's statistics.]

Total in 1907 (reported July 1, 1908):	
Boats.....	273
Net tons.....	253,613
Gross tons.....	408,328
Of this number:	
Abandoned at sea.....	6
Broken up, condemned, etc.....	1
Burned.....	17
Collision.....	40
Foundered.....	35
Loss (not classified).....	3
Missing.....	19
Wrecked, stranding, rocks, etc.....	152
British.....	90
British colonies.....	19
United States.....	11
Austria-Hungary.....	2
Denmark.....	6
Netherlands.....	1
France.....	14
Germany.....	27
Italy.....	4
Japan.....	27
Norway.....	20
Russia.....	7
Spain.....	13
Sweden.....	7
Other European countries.....	15
Central South America.....	10

Mr. BURTON. I have already partially referred to the injustice of this bill in making no distinction between boats which sail close to land and boats which go long distances at sea. Such regulations would certainly do away with a large part, indeed I am not sure but a major part, of our excursion traffic. In this connection I received the following telegram from Put-in-Bay, Ohio:

Put-in-Bay's commercial life depends absolutely on the excursion business. If the La Follette seaman's bill is passed, it will prohibit the operating of all excursion steamers on Great Lakes, as they can not carry and man full lifeboatage as required by this bill. These excursion steamers should be classified with river and harbor excursion steamers instead of ocean-going vessels. We look to you to see that bill is amended along lines of Senate bill, which is fair.

S. M. JOHANNSEN,
President Put-in-Bay Board of Trade.

I read from a telegram from the Sandusky (Ohio) Business Men's Association:

This association most earnestly urges you to vote against the La Follette seaman bill. If this bill goes through, it would prohibit the operation of all excursion steamers and would paralyze excursion business out of this port.

THE SANDUSKY BUSINESS MEN'S ASSOCIATION,
J. C. HAUSER, Secretary.

It may be asked, Is there not great danger in those cases? Are they not liable to be caught in a storm? Mr. President, if a gale of 40 miles an hour is blowing, and I think I might say correctly 30 miles, they do not go out of port at all. They go only for very short distances, for the most part through shoal water, where the hull would not be submerged, and, too, only a very short distance from land. But this bill makes just the same regulation for that class of boats that it makes for a boat going on a voyage of 6,000 miles. There is no distinction between an excursion steamer that goes 2 miles, 10 miles, and 20 miles, and one that goes around the globe. What kind of a bill is that? Is that fair? Is that going to do any good? Is that practical? No.

I shall offer, in the first place, an amendment which I wish to have clearly understood. I offer it because there was a difference of opinion among Senators as to what this clause on the second page meant. It will be noticed that there is a provision here on page 2 of this proposed substitute:

Seamen serving in one department of a vessel shall not be required to do duty in another department.

That clearly means that no one in the steward's or engine department shall be called upon for fire or lifeboat drills. It means a separation of the functions of the different portions of the crew—stewards one, firemen another, and sailors still another. It was maintained that that does not prevent the drilling of the stewards. I think it clearly does.

Now, let us have an understanding about that, and in order to make it clear I offer an amendment. I think perhaps it might be drawn in longer form, but in order to make it perfectly clear I am going to introduce it in the fewest words possible. It is to insert, after the word "limit," in line 13 of page 2, these words. I refer to line 13, page 2, of the substitute bill: "The obligation of the crew to take part in boat drills and fire drills, or," and then strike out the word "either," making it read:

But these provisions shall not limit the obligation of the crew to take part in boat drills and fire drills or the authority of the master or other officer.

I have drawn that in somewhat longer form, but in view of the fact that only a few Members of the Senate will perhaps be present while it is being discussed, I thought best to present it with such brevity that everyone could understand it. I think it would be better to insert after the word "limit" the following—or you can put it also after the word "jeopardy," in line 19:

And all members of the crew, including officers and members of every department, shall participate in regular lifeboat and fire drills, which drills shall be subject to regulations to be prescribed by the Secretary of Commerce and by him enforced through the Steamboat Inspection Service, and every licensed officer who refuses or neglects to take part in such drills according to said regulations may have his license suspended or revoked, and every other member of the crew who willfully refuses or neglects to engage in such drills in accordance with such regulations shall be subject to the same penalties, as are provided for violations of the fourth subdivision of section 4596 of the Revised Statutes as amended by section 6 of this act.

That, Mr. President, is a more complete form, and I prefer it; but in view of the situation and the attendance I am disposed to use the shorter form.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. I do.

Mr. WILLIAMS. The Senator from Ohio criticizes the substitute in that it does not make a distinction sufficient between a long-distance trip and a short-distance trip, and between lake service and sea service and river service and other service. I would like to say that it seems to me he pressed that point of it too much.

If the Senator will remember the case of the *General Slocum*, which, I think, went down between New York City and Coney Island, and was in reach of the land all the time, and in sight of it all the time, he will remember that those people huddled together upon that boat, upon a pleasure excursion trip, as I remember it—though my memory is not perfectly accurate about the way the accident occurred, it having occurred seven or eight years ago—and they died like rats in a burning barn, with bulldogs around keeping them in the barn, and they died because there were not enough—

Mr. BURTON. Life preservers.

Mr. WILLIAMS. Life preservers and enough lifeboats and enough boats of other sort to take them off the ship. If the Senator had ever been upon a Mississippi River boat in the middle of the stream when the boat caught afire, and caught afire in the engine room, where it usually catches afire, he would conclude that being in sight of land did not have much to do with this problem.

Mr. BURTON. Mr. President, first I wish the attention of the Senator from Mississippi to this: Is he aware that the *Slocum* was sunk in a place near Blackwells Island, and that a boat in that locality would have been exempt from the regulations of this bill?

Mr. WILLIAMS. No; I say frankly I was not aware of that.

Mr. BURTON. This bill would not cover a case like that of the *Slocum*.

Mr. WILLIAMS. I was not aware of that.

Mr. BURTON. Is the Senator also aware that the Mississippi River is exempt from the provisions of this bill?

Mr. WILLIAMS. That merely proves that the Senator's criticisms are more wrong than I thought. The bill, instead of going too far in the way of protecting those who are traveling upon the Hudson and the Lakes and the Mississippi, does not go far enough.

Mr. BURTON. Mr. President, that may sound very well; but everyone who has had experience in navigation knows that it is utterly fallacious. What was the cause of the great loss of life on the *Slocum*? Probably they could not have saved a hundred of them by the use of boats. It was near to land. Those who were on board would not have sought boats to save their lives. They would have sought a life preserver or some such device. If there had been an attempt to lower a boat with that crowd, it would have ended in a panic and the swamping of every boat. You can not talk with an inspector who has had experience in these matters and has studied them but who will tell you that. Everyone knows that the loss of the *Slocum* was due to miserably improper life preservers, a fraud amounting to a crime, and, further, that their life preservers were not of a proper type.

I take it from the remarks of the Senator from Mississippi that he would put on every one of the boats on the Mississippi River a number of lifeboats. Does the Senator know that you could not carry the number of boats required here without danger of capsizing and sinking a Mississippi River boat? If you put them in the only place available, they would tip the boat over. Does the Senator know that if this requirement in regard to lifeboats as it applies to ocean steamers were carried out on the Mississippi it would make such a boat so top-heavy that it would be in danger, I may almost say, of foundering?

We might perhaps build a boat on a different model, but it would be less speedy and more difficult to manage, and would by no means answer the purposes of modern navigation.

The problem in regard to these excursion boats is not a new one. It is merely obscuring the issue to bring up such a case as that of the *Slocum*, and is especially obscuring it when this substitute, as offered here, would not have covered such a case. Every life that was lost in that disaster would have been lost if this bill had then been a law, because the accident was not only in a river but it was in a harbor.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. I do.

Mr. WILLIAMS. I dislike very much to take issue with the Senator from Ohio, who has made a very much longer, and, I take it for granted, that, with equal ability, he has made a very much abler study of this question than have I, although I have been interested in it for some 18 years; but the object of this bill is to safeguard human life at sea. That is one of its objects. I merely called attention to the fact that the bill did not go too far in that direction. The Senator from Ohio reminded me of the fact that the bill did not go far enough, and immediately upon his reminding me of it I recognized the fact.

It may be true that upon river craft life preservers ought to be substituted very largely for lifeboats; but whatever is necessary to safeguard human life ought to be required by legislation. If it were necessary to safeguard life upon river craft and in harbor and upon excursions, that there should be a larger number of life preservers rather than a larger number of lifeboats—that is, a larger number of things enabling the individual to get to the shore in sight rather than to enable a whole lot of people to get into a boat and keep at sea until picked up—that does not disturb at all the argument or the point which I was trying to make. On the contrary, it reinforces it.

The Senator from Ohio has said something about obscuring the issue. It is the Senator who is obscuring the issue, not I, and not those who are advocating the position which I take upon the pending bill. At almost the very last moment we are confronted with international questions that have nothing to do with the merits of the bill outside of our international relations,

and then we are confronted with arguments about the fact that this bill would not protect life upon river craft and in harbors. That has nothing to do with the question that we are trying to protect life upon the deep seas and elsewhere. With that amount of deference which I owe to the Senator from Ohio from long acquaintance with him in both Houses and from long acquaintance with the fact that he is a careful student of all public problems, I hazard the opinion that it is not I, but he, who is obscuring the issue.

Mr. BURTON. I do not know, Mr. President, whether the stenographer's report will show that I said the bill obscured the issue or that the Senator from Mississippi obscured it; but whatever the discussion here, it was claimed that there was a very strong reason for passing this bill because of the *Slocum* disaster. The *Slocum* disaster would have occurred under this bill and could not at all have been prevented by it.

Mr. WILLIAMS. But, if the Senator will pardon me a moment for one more suggestion, the *Slocum* disaster would not have occurred even under the law as it then existed if the law had been obeyed.

Mr. BURTON. That is the whole fact of it. The disaster was due to the lax enforcement of the law.

Mr. WILLIAMS. Yes.

Mr. BURTON. And, indeed, from what the Senator from Mississippi has said it seems to me he does not differ greatly from what I have argued, in that he lays stress on the importance of providing for the individual by life belts or life preservers, rather than by lifeboats.

But why is it that you are putting these short runs near to shore in shallow water on the same footing with an ocean voyage and exempting boats on rivers and harbors from the regulations provided by your bill? It is altogether unfair.

I shall offer another amendment in this connection.

The PRESIDING OFFICER. Has the Senator from Ohio offered an amendment?

Mr. BURTON. I say I shall offer an amendment. I am merely reading it now, but I shall offer it later. I propose, on page 16, line 2, of the so-called La Follette substitute, after the word "rivers," to insert the words "lakes, bays," so that the clause will read:

Except those navigating rivers, lakes, bays, and harbors exclusively.

The bill is not fair or equitable unless you do that. This amendment aims to place one class of navigation on a certain footing, while another class, the over-sea and long-distance class, is placed upon another footing.

Now, just a word further. One inference might be formed from the remarks of the Senator from Mississippi [Mr. WILLIAMS] which would be altogether incorrect. It is this, that we have failed to pass laws in regard to life preservers and in regard to safety at sea. Why, Mr. President, we have passed laws on that subject as strict as those on any statute book in the world. I think I may say further that their enforcement by our inspectors and their assistants has been as good as in any nation in the world—indeed, I do not know but better. We are at the very fore in that regard. Two things are alike to be avoided: First, that which touches us most nearly, avoiding disaster and loss of human life, and, over on the other extreme, to avoid making your regulations so strict that boat traffic is not only hampered, but even destroyed. When we learn of an accident on a railroad we do not forbid trains running, we do not stop people from traveling on railroads, but we adopt the most perfect safeguards which can be enforced without destroying traffic or unduly hampering the operation and management of railroads. But this substitute aims at a class of business where, in these localities, for years there has not been a loss of life. It imposes such restrictions that it will be impossible to comply with them.

Mr. President, I believe that I have said all that I care to say, and I should now like to ask for a vote on my proposed amendment on page 2, line 12, after the words "shall not limit," to insert the words "the obligation of all the crew to take part in boat drills, fire drills, and so forth," and to strike out the word "either."

Mr. LANE. Mr. President, I wish to say a few words bearing directly upon the pending subject. I do not know anything about what effect this law will have upon our international relations. I do have an idea, however, that if we do not guard this measure well we will become involved in international disputes. I think that it is a matter of great importance that we should do nothing which we are not justly entitled to do in our general business and friendly relations with other nations. I even go further. I fear that if we are not careful we shall cause this Nation to become engaged in considerable international difficulties. Some of the other nations are very jealous.

The nations who breed good sailors breed good fighters, and they are men who resent interference with their method of doing business. A nation which has good able seamen, as I have said, is a nation which has good, strong, able-bodied men, and they are jealous of their rights. I hope, therefore, that we shall take good care of that portion of this bill and see that we do not give unjustifiable offense to any nation.

In relation to the matter of manning ships and lifeboats, however, I have been considerably interested in the arguments which have been made on the floor of the Senate. I have gone over the side of a ship in the open sea with the lines paid out by sailors, and I know something about that. I have crossed in on a beach from the open ocean through the surf and have gone back out through it again. I have pulled a boat into the suds and headed her into the wind in a heavy sea—not in the open sea, but in harbors that were not much protected. I know something about that; and the logic which is in evidence here in this case in the discussion of this bill by the Senator from Ohio [Mr. BURTON] is interesting, to say the least.

Attention has been called to the wreck of the *Slocum*. The *Slocum* was an excursion boat. If you have love for your wife and your children—you might send your wife on an excursion, you know, for sometimes you do not get along with her well—but if you have love for your children, keep them off of an excursion boat, for such boats are notoriously ill fitted for the saving of life in case of a disaster. The *Slocum* lost hundreds of passengers for the reason, if you please—and I should like to call the attention of the Senator from Ohio to the fact—that she did not have enough lifeboats aboard of her to care for her passengers.

Mr. BURTON. What is that?

Mr. LANE. The *Slocum* lost hundreds of her passengers for the reason that her lifeboats were ill equipped and ill manned; they went over the side with the plugs out of them, and they went down like lead and drowned every passenger that was aboard of them. They were a fraud and a snare and caused the loss of the lives of hundreds of people who would never have been lost if those lifeboats had not been aboard the *Slocum*. Those who tied life preservers about their bodies and went over the side went down to the bottom like plummets, for the reason that the life preservers contained no cork. After they passed the inspection, which the Senator from Ohio has called attention to, and were registered as good and sufficient safeguards for life, it was found on subsequent inspection that they were filled with dead, hollow, decayed cork or with tulle, if you please; and any gentleman who has gone over the side of a ship with a tulle life preserver under his arms as a means of consolation has had food for thought, and not a great time in which to expend it, as his time is short. Tulle will not hold you up very long when it gets into the water—more particularly a dead and 3-year-old tulle. If you get young and new last year's tulle, it will last you six or eight hours in the water, but tulle that has been bound up in a piece of canvas for five or six years will not last long under your arms out at sea or even in fresh water. It will not last as long in fresh water as it will at sea, for the reason that sea water is more buoyant. Every person on the *Slocum* that had life preservers under his or her arms or who tied one under the arms of a poor little babe or a child whom he pitched into the sea to save it from the fire, in the hope on the part of its mother or its parents that it might float into the hands of a boatman, with its life preserver put on by the Government inspectors of this country, went down to its grave in the bottom of the river, and the father and mother, if they had known what was going to happen to their child—

Mr. BURTON. Mr. President—

Mr. LANE. No; I have the floor now, if you please. If they had known what was going to happen to their child, in merciful kindness to it they would have knocked it on the head and spared it the horrors which followed. Now I yield to the Senator from Ohio.

Mr. BURTON. As regards the loss of the *Slocum*, I am not familiar with the details—of course, the fire was an important feature—but I think it is universally conceded that the essential feature of that disaster was insufficient and fraudulent equipment.

Mr. LANE. It was.

Mr. BURTON. And that there had been carelessness on the part of the inspectors.

Mr. LANE. Indeed, yes; gross carelessness.

Mr. BURTON. But we have profited by that frightful lesson. There were criminal prosecutions, the captain, I believe, being sentenced for a considerable term. I know something of the work of the inspectors at this time, and I am satisfied that no insufficient equipment would get by them.

Mr. LANE. The Senator has called attention to one other feature of this bill wherein it is made obligatory that a sailor shall not be called upon to do other duty. The Senator is of the opinion, apparently, from what he has said, that that would prevent the captain or the first mate or the second mate or the third mate, or anyone in command of the vessel in the absence of the captain, from calling upon a sailor or a fireman or a cook or a cook's helper or the cabin boys to do boat duty in case of fire or in case of a wreck. The sailor has no such idea in his head. The able-bodied seaman is a man who has learned his profession, the same as an attorney or as a physician has learned his profession, by experience and by study. He resents being required to do duty for which he is not qualified, and he has asked that this provision be put in the bill to keep him from being called upon to stoke fires in the hold of the ship or to do duty as a waiter, or something of that sort. That is all that provision means; it means nothing else, and the sailor asks for nothing else. I know that for the reason that I have been aboard ship many times, and I know what the sailor's duty is and how he resents having to do duty for which he is unfit.

Calling attention to the matter of drills, the Senator thinks that if a ship the crew of which has been drilled, in a harbor for instance, in the handling of boats goes to sea, a fireman or one of the waiters aboard the ship or one of the men from the steward's department can handle a lifeboat as well as an able-bodied seaman, and can lower a lifeboat away from the side of a ship in a storm as a sailor knows how to do it. That is absolutely out of the question. The best trained crew of freshwater oarsmen will make fairly good oarsmen at sea—much better than the landlubber, much better than the inexperienced greenhorn hand—but he has not had the experience and knows nothing of the water in comparison to the able seaman or the man who has been raised about a harbor or near by the coast and has worked in his youth as a fisherman or a boatman about a harbor. It is an entirely different proposition. Even the matter of putting an oar into the tholepins or into rowlocks in rough water is an entirely different proposition from shipping an oar in still water. In still water you merely slip the oar into the rowlock and commence your stroke, but in rough water, with the boat pitching so that you can hardly sit in her, with a 10 or 12 foot oar that weighs 40 or 50 pounds on the scale, water-soaked and water-logged, and with the sea breaking about you, it takes a degree of craftsmanship that is gained only by experience to know even how and when to ship an oar into the tholepins, when to hold the oar out of the sea, and when to dip it into the water. A green hand will "catch a crab" every time; and "catching a crab" means that he puts his oar into the water at the wrong time, the end of the oar comes back, hits him in the breast, and throws him out of his seat. If it threw him overboard it would be a godsend to the remainder of those on board, but it throws him onto the oarsman behind him, interferes with his stroke, and the boat "yaws" and comes about broadside to the sea, upsets, and drowns everyone aboard her.

I have handled a boat; I have pulled an oar in rough water; and I know that it is from experience, and every sailor knows that it is from experience, that skill is gained in the matter of lowering away a boat, if you please, from the side of a ship. There is no drill which you can give to a set of seamen, sailors, firemen, and other hands aboard a ship in a harbor which at all approaches the test which comes to them at sea in a storm or in the case of a wreck with the wind whistling through the rigging at, say, 35, 40, 50, or even 60 miles an hour, if the Senator please.

If this bill could be altered—and I should like to offer an amendment to it, if I had any hope that it might be adopted—so as to provide that the drills and the lowering of lifeboats should be at sea under circumstances in which there was blowing a wind of not less than 25 miles an hour, and then, following the suggestion of the Senator from Ohio, that the lifeboats and the davits should be manned by firemen or men from the lower decks and inner cabins, one at each end of the davits to lower away the lifeboat, and then, that it should be made obligatory on the owner of the ship that he should go over the side of the ship in all such drills in the lifeboat manned, as I have indicated, by firemen, by waiters from the passengers' cabin, and by landlubbers, you would hear a howl to change that law raised so quickly that you would hardly have time to consider it. The shipowners would refuse the test and demand able-bodied seamen for every lifeboat.

The outfits which are ordinarily provided for saving life on ships which go down to the sea—I am now making no reference to the "greyhounds," the great steamships which ply between

our Atlantic coast and Europe, for the reason that I have not traveled upon them; the only trip that I ever made across the Atlantic was many years ago on the old *Etruria*, and since her day they have built up a different class of ships; but I am referring to the Pacific, where we take your worn-out ships, the ships which grow too small for the passenger traffic on the Atlantic; we make use of them, and in them we travel up and down the coast, from Lower California up through the North Pacific into Bering Sea and into the upper stretches of Alaska in Seward Peninsula. Upon those ships I have traveled as well as in small boats in and out of harbors on that coast. With those I am familiar, and my remarks apply to those things with which I am familiar. The outfit which is provided for saving life aboard those ships is notorious. The life preservers in many cases are not filled with cork, but most of them pass the inspection filled with tulle, and, as I have said before, tulle does not stay long in the water until they become water-soaked.

The Senator from Ohio has called attention to the fact that the use of steam as a motive power has displaced the sailor from the sea, and that in consequence our steamers are now navigated by crews composed in greater part of men who are engaged in making and applying steam and whose vocation keeps them below decks, all of which is true. The Senator claims that this being true, it is unreasonable to expect a steamer to carry a quota of two able-bodied seamen for each lifeboat to be held in readiness to meet a disaster which may never come.

The suggestion opens up a question which is of great importance. It is only on rare occasions in this life that a man really needs either a gun or a lifeboat; but when he does need it, as they say out in the West of a gun, he needs it "most awfully bad." Anyone who has ever tried to pull a boat in a rough sea knows that a person unused to handling such craft is not only useless but actually is a source of danger to others in the boat. He knows that it requires experience to know how to ship the oars into the tholepin or into the rowlocks or to make an effective stroke of the oar. He knows that the first thing an inexperienced hand does is to "catch a crab," and that, not knowing how to feather an oar, he can make no headway against the sea, pull hard as he may; in fact, that he is a nuisance, and worse than a nuisance.

Every sailor knows better than to let one end of a lifeboat go down on the run, as happened in the case of the ship which burned the other day, when a number of women and children, some 50 or 60 in all, were placed in a lifeboat; and, if you read the dispatches, you will remember that the boat spilled every one of them into the sea and that they were all drowned. Why did that happen? It happened for the reason that the men who were assigned to lower away the boat at each end of it, at the bow and the stern, and handle the lines, which run through a block and tackle on the davit, were not experienced seamen, were not sailors, and did not know how to lower a boat one in unison with the other. Skill in such work comes only from experience; it is a species of craftsmanship; it comes from long years of handling block and tackle; it is the result of discipline. A good sailor would no more think of lowering away a boat on a block and tackle in connection with another sailor, or, for that matter, lower anything into the hold of a ship, and pay out his rope faster than his mate than he would think of doing any other impossible thing.

He has been taught from his earliest life, from his earliest experience, that the boat, or the piece of cargo, or whatever he is loading or unloading, must land on what he calls "an even keel." He watches his mate, and his mate observes what he is doing; they lower away steadily, and they sing "Heigh ho" to one another, calling the time in which they lower in unison, just as a musician obeys the wand of the bandmaster; and it is out of harmony for the sailor to let one end of a boat go down "on the run," as they call it. A green, inexperienced man, on the other hand, will take hold of the rope running through a block and tackle, supporting, perhaps, a boatload of people, weighing, say, a couple of tons, and let it go through his hands too fast. When he does that the friction will burn his hands; he will let the rope go faster and faster, and the attempt to hold it will burn his hands until he can no longer stand the pain, when he will let go of it, and one end goes down into the sea faster than the other, and the passengers are spilled into the sea and lost.

It is nothing short of murder to upset a load of trusting people into the sea—women and children as a rule. Think of the law of chivalry which gives the woman and the child the preference, the first place in a lifeboat, if you please, in a wreck, in a storm at sea, which puts the helpless folk aboard this lifeboat, and then sets a couple of landlubbers, a couple of firemen, if you please, or steward's helpers, to lower away that cargo of precious freight into the sea. It must be launched on the spur

of the moment, as the side of the ship goes down to meet the water, just at the time it can be gotten away in safety, with a good crew on board to put their oars in the water and lift her out of the way of the vessel. Yet they put two greenhorns in charge of her, and let them go lowering her down. The greenhorn burns his hands, and down goes your family, or the family of some other man, into the depths—helpless, worse off by a thousand per cent than if they had stayed upon the deck.

That is what has happened and what is likely to happen at any time under present conditions. That is why we ask here, and have asked, for experienced sailors. An experienced sailor, when the line runs too fast through his hand and the friction becomes too great, has sense enough to take a half turn around something to check the boat's speed, and he can lower her down on the water so gently that she will not break an eggshell.

It is discipline, it is experience, it is knowing how to lower the boat when she swings clear of the ship and when the side of the vessel goes down to meet the water that makes the difference of your life or your death when you go over the side into a lifeboat.

Do you suppose there is any gentleman wearing shoe leather who could get me aboard a lifeboat to go over the side of a vessel in a storm, with a couple of firemen or steward's helpers to lower me down after I got into it? No, sir. I have been to sea too much for that.* I should like to see the Senator from Ohio make a trip or two of that kind. If he did, he would have an entirely different opinion of this matter, I think.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. LANE. I do.

Mr. CLAPP. I take it, from the Senator's description of the consequences resulting from the effort, that the Senator from Ohio might make the first trip, but he never would make the second trip.

Mr. LANE. He would not be back here to tell of his experience unless he had the great good luck to make a grab for a line, or something of the kind, and catch it. If we are going to use lifeboats, what shall we provide about them? The word "lifeboat" is an indefinite description of a small craft which is put aboard a ship to save life in case of a storm. A good lifeboat is a different proposition from an ordinary lifeboat. They are all termed "lifeboats" just the same. The lifeboats which I have been used to, many of which I have seen, and which are upon the majority of ships, are not lifeboats in reality. A good many of them could be more truthfully described as "deathboats," for as a rule they cause more deaths than they save lives.

If people traveling upon ships at sea, human beings who go down to the sea in ships, are to be compelled to depend upon lifeboats for their salvation in case of wreck, then those lifeboats should be handled by men who know every trick of lowering them safely, how to manage them, how to keep their heads up in the wind after they have been launched, when to put an oar into the water and how to do it, and, what is equally important, when not to do it.

A lifeboat in the hands of a crew of landlubbers, in a heavy sea, is a more dangerous thing to be aboard of than would be a plank or a chicken coop, for the reason that neither of the latter is easy to upset, and if it does upset the bottom side is just as good as the top; whereas if a lifeboat upsets its sides are so smooth that they afford no handhold for the man who is trying to use the boat to keep himself above water.

If there are to be no sailors or other men trained to handle lifeboats aboard ships, lifeboats should be kept off ships, and should be no longer held up before the eyes of passengers as a means of safety in the hour of danger. As a matter of fact, since vessels are being propelled by steam, and sailors have become, as it were, a thing of the past, all vessels should be compelled to carry surfboats of the type and pattern used by the life-saving stations—craft which either can not be upset or which will right themselves in the event that they do upset. It is only a reckless disregard of life and a miserly, wretched, murderous economy of money which has prevented the installation of such boats on every ship afloat. Every master of a vessel and every owner of a vessel knows this to be true. Properly equipped with such boats, and with a handy device for launching them, not a soul need ever be drowned from a wreck on the high seas. If a ship should go ashore the chances for safety would be infinitely greater with such boats than they are with the so-called lifeboats in common use at this time. To have a steamer manned with landlubbers or Lascars or Malays, who either can not understand an order or do not want to in time of stress, and who when in peril will take their

knives in their teeth and fight for a place on the lifeboats, is a condition of affairs which is dangerous to people who travel on steamers.

I wish to correct a statement which was made here awhile ago in relation to storms at sea where there are heavy seas and combers caused by heavy winds. A heavy wind at sea, a storm at sea, a gale of 40, 50, or 60 miles an hour, kicks up no sea at all, practically speaking. It flattens the face of the sea. It is not the sea that you have to fight so much as it is the force of the wind. The sea comes after the wind dies down, and then you have the pitching and the rolling at sea.

In one of his poems Kipling calls attention to the conditions which exist aboard ships with green hands who are notoriously ill provided with clothing, whose wages are half stolen from them by the process of blood money—leached out of them by shipping agents, and who in the old days ate hard-tack which they had to hammer on the table in order to knock out the skippers before they could eat it soaked in their coffee, who ate salt horse; referring to which state of affairs he sang of—

Grub that would bind you crazy and crews that would turn you gray.

We are 25 years behind in our duty, perhaps, in endeavoring to pass a bill which will relieve that condition of affairs; but I am in favor of it. I do not say anything in derogation of firemen or stokers, for they are men who are useful in their place and artists at it, if you please—men of tireless energy; men of tireless strength and muscle; men who have to stand greater hardships in some ways and have more strain on their physical endurance than does the sailor; but it is a different kind of work. A sailor could not stoke a vessel in the manner in which she ought to be stoked, nor can a fireman do a sailor's duty. It is, as I say, a different proposition.

Two men in a lifeboat are little enough. Barring those provisions in the bill which bring us into conflict, unjustly perhaps, with the rights of other nations, which I hope will be well guarded by the author of the substitute, this bill ought to pass.

I regret that I have taken so much time, but there were certain statements made regarding the handling of lifeboats which I could hardly let go by without a protest.

Mr. BACON. Mr. President, I desire at this time to present an amendment, which at the proper time I will offer to the bill. I say I will offer it, because I prefer to offer it at a time when the matter will be more directly before us for action, rather than to offer it now. In other words, I wish to offer it so that it may be voted on at the same time the bill is voted on, as one of the amendments offered to it. I ask that it may be now read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 20 it is proposed to add, as section 19, a new section, as follows:

Nothing contained in this act shall be construed to operate to have the effect to abrogate, annul, or in any manner affect any part or provision of any treaty now in force between the United States and the government of any other nation.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], which will be stated.

Mr. LA FOLLETTE. I believe the amendment I offered is the pending amendment. I do not understand that the amendment offered by the Senator from Ohio was offered to the amendment which I have pending.

The PRESIDING OFFICER. It is offered to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. If that be true, Mr. President, I claim the right to perfect the amendment myself, and before other amendments were offered to it I gave notice that I purposed to offer an amendment or two. I have the right, I think, to modify the amendment and to perfect it before it is open to amendment by anybody else.

The PRESIDING OFFICER. The Senator has a perfect right to modify his own amendment. The amendment of the Senator from Ohio has not, however, been stated, as the Chair understands.

Mr. BURTON. I should like to inquire if an amendment is pending other than the one I have offered.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is an amendment to the amendment of the Senator from Wisconsin, who asks the privilege, which, of course, he has, of modifying his amendment. The Chair announced that the amendment of the Senator from Ohio had not been stated. It will now be stated.

The SECRETARY. On page 2, line 13, in the amendment of the Senator from Wisconsin, after the word "limit," it is proposed to strike out the word "either" and to insert the words "the obligation of all the crew to take part in boat drills and fire drills, or."

Mr. LA FOLLETTE. Mr. President, as I stated at yesterday's session, the last three sections of the substitute as offered by me are not in the form in which the seaman's bill passed the House of Representatives at the last Congress, that being the measure which I have introduced at this session, and which I have offered as a substitute. I modified the bill as it passed at the last Congress, and as I reintroduced it at the beginning of this Congress, to the extent of striking out the last two sections—sections 14 and 15—and substituting for them sections 14, 15, and 16 of the bill reported by the Committee on Commerce at this session. I did that because those provisions dealt with the matter of treaty relations in a more elaborate way, and I hoped to harmonize some interests and secure some additional support for the measure by taking so much of the bill as it had been reported by the committee. Those provisions had been dwelt upon at great length by the Senator from Florida [Mr. FLETCHER], who had reported the bill. So I adopted them and incorporated them in the amendment which I have offered as a substitute. I did not observe that they were defective in two respects.

As reported from the committee, section 15, as it appears in the substitute, in its reference to treaties, refers only to treaties containing provisions regarding desertion. Of course, the bill as reported by the Senate Committee on Commerce dealt with many other matters of importance as to foreign vessels which are the subject of convention between this country and foreign countries. Therefore, if the committee had intended to make the provisions of their bill effective as to anything except deserters, they would have provided that the bill should not be limited in its application to treaties that dealt with desertion. In other words, they adopted a provision regarding treaties that destroyed many of the provisions of their bill which seemed to give some of the needed concessions to the seamen of the country.

In order to make the last three sections of the proposed substitute meet every requirement of the preceding sections of the bill, I wish to propose two amendments. I will state them both together, because they will be better understood in that way, and then will call for votes upon them separately.

On page 18 of the proposed substitute—I think I have the right copy; there have been so many prints made that I am not absolutely certain, but I think I have, and I beg to be corrected by the Secretary if I have not—on page 18, line 23 of section 14 of the substitute, the pending amendment, after the word "imprisonment," in that line, I propose to insert "and any other treaty provision in conflict with the provisions of this act," so that the section will read, if amended, as follows. I will read down to where this amendment would be inserted in order that Senators may see the application of the amendment.

SEC. 14. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment—

Now I come to the amendment—

And any other treaty provision in conflict with the provisions of this act ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several governments—

And so forth.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senate has heard the amendment proposed by the Senator from Wisconsin. All those in favor—

Mr. LA FOLLETTE. I will just follow that with another amendment as to the notice that will, when taken with this one, perfect these provisions. I will not divert the Senate now from the consideration of this amendment if it is ready to vote upon it.

Mr. BACON. Mr. President, as I understand, the Senator has a right to incorporate that modification in his amendment without a vote.

The PRESIDING OFFICER. The Chair so understands. It is only a modification of the Senator's own amendment.

Mr. LA FOLLETTE. With that privilege, I send this matter to the desk. I will say to the Secretary that the references at the top of the page are to a different page. I had a different print of the bill before me when I drafted it.

The PRESIDING OFFICER. The modification proposed by the Senator from Wisconsin will be stated.

The SECRETARY. The Senator from Wisconsin modifies the amendment offered by him on October 16 by inserting, on page 18, line 23, after the word "imprisonment," the words "and any other treaty provision in conflict with the provisions of this act."

Mr. LA FOLLETTE. Now, Mr. President, as to section 16. I think any Senator reading that section will agree that it is a bit obscure in its phrasing.

Mr. WILLIAMS. Has the Senator offered the amendment which provides that no provision in the bill in conflict with any treaty shall take effect until after the expiration of the period fixed?

Mr. LA FOLLETTE. That is just what I have in hand now. I will say to the Senator that I was just going to offer that.

Mr. WILLIAMS. All right.

Mr. LA FOLLETTE. I propose to modify my amendment, on page 19, by striking out all after the comma, on line 23—

Mr. BURTON. What is that?

Mr. LA FOLLETTE. On page 19 I propose to strike out all after the comma, on line 23, to the end of section 16, on line 3, page 20, and insert the following:

Except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of said articles as provided in section 14 of this act.

I send that to the Secretary's desk, and ask to have it read.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. The Senator from Wisconsin further modifies his amendment, on page 19, line 23, after the words "its passage" and the comma, by striking out the remainder of the section, and in lieu of the words stricken out inserting the following words:

Except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of said articles as provided in section 14 of this act.

The PRESIDING OFFICER. Does that conclude the modifications which the Senator desires to make?

Mr. LA FOLLETTE. Not quite.

In line 13, page 16 of the proposed substitute, as a part of section 12, after the word "Commerce," I propose to insert:

Provided further, That the board of supervising inspectors be, and are hereby, authorized and directed to prescribe rules and regulations, to be approved by the Secretary of Commerce, to provide, in harbor and at sea, for lifeboat drill and fire drill to be held for the training of the crew in fighting fire, in abandoning the vessel, and in caring for the passengers, and to provide for the assignment of each passenger to a particular place in the lifeboat, said assignment to be made at the time the person is taken aboard the vessel as a passenger, who shall thereupon be informed of such assignment. Every failure to comply with the rules and regulations authorized by this proviso shall, upon conviction, subject the master or the vessel to a fine of not less than \$50 nor more than \$200. The provisions herein with respect to lifeboat drill, fire drill in training the crew and in fighting fire and in abandoning the vessel, in so far as the same relates to such drill at sea, shall not apply to vessels of foreign nations; but as to foreign vessels at sea, said board shall deliver to the master of every such vessel departing from a port of the United States a copy of said rules and regulations, together with a recommendation that the master of such foreign vessel comply with such rules and regulations at sea.

Mr. BURTON. I should like to ask if that is identical with the one that was read by the Senator from Wisconsin yesterday. If it is not, I should like to have it read again.

Mr. LA FOLLETTE. It is not quite identical with it. It is substantially the same.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 16, line 13 of the amendment proposed by the Senator from Wisconsin, after the words "Secretary of Commerce" and before the period, insert a colon and the following words:

Provided further, That the board of supervising inspectors be, and are hereby, authorized and directed to prescribe rules and regulations, to be approved by the Secretary of Commerce, to provide, in harbor and at sea, for lifeboat drill and fire drill to be held for the training of the crew in fighting fire, in abandoning the vessel, and in caring for the passengers, and to provide for the assignment of each passenger to a particular place in the lifeboats, said assignment to be made at the time the person is taken aboard the vessel as a passenger, who shall thereupon be informed of such assignment. Every failure to comply with the rules and regulations authorized by this proviso shall, upon conviction, subject the master or the vessel to a fine of not less than \$50 nor more than \$200. The provisions herein with respect to lifeboat drill, fire drill in training the crew and in fighting fire and in abandoning the vessel, in so far as the same relates to such drill at sea, shall not apply to vessels of foreign nations; but as to foreign vessels at sea said board shall deliver to the master of every such vessel departing from a port of the United States a copy of said rules and regulations, together with a recommendation that the master of such foreign vessel comply with such rules and regulations at sea.

Mr. SUTHERLAND. Mr. President, I do not intend to enter upon a discussion of the various provisions of this bill, but I want to say just a word or two with reference to it before the vote is taken. I have given it such study as my time would permit, and I have brought to the study such intelligence as a landlubber could command.

I am persuaded that the substitute offered by the Senator from Wisconsin is wise and just and necessary, and because I

think so I intend to vote for it. I realize, as has been said by the Senator from Ohio [Mr. BURTON], that some hardship may result, and quite likely will result, from putting into operation provisions of this character, which in some respects radically alter the provisions of the existing law; but I am also persuaded that the reforms which are to be put into operation by this substitute have been already too long delayed.

There are two ways, Mr. President, by which an employer of any kind of labor, whether an employer of labor in a factory, on a railroad, or upon a ship, can be compelled to do justice by his employees. One of those ways is by an appeal to his self-interest and the other is by legislation. Whenever you can appeal to the self-interest of an employer so as to induce him to do exact justice to his employees, that is the better way to deal with him, because then his action becomes to a very large extent automatic.

At the time when ships on the sea were under sail, before the invention of steam, the self-interest of the owner of the ship demanded that he should employ seamen of skill and efficiency, because the ordinary and everyday handling of a sailing vessel required efficient and trained service. But when the sail departed from the sea and steam took its place in the ordinary operations of the vessel that skill was no longer required. Skillful seamanship is required now upon one of the large steam vessels only in cases of emergency. No great amount of skill is required in fair weather. So the self-interest of the owner of the vessel is no longer appealed to to employ able seamen and skilled men in navigating vessels, but the necessity of skilled seamen upon occasions of emergency and danger is just as great upon a steam vessel to-day as it ever was upon the sailing vessel of past time, and the only way that that can be certainly enforced under existing circumstances is by legislation.

I also recognize the force of some objections the Senator from Ohio has urged with reference to making the provisions of this proposed law apply to foreign vessels; but I am consoled by the reflection that the provisions are right and are just and are not unduly burdensome. They are rules that we are willing to put into operation with reference to our own vessels because we believe them to be necessary and we believe them to be just, and if our conclusion about that is correct—and we can only justify our votes for the substitute upon that theory—then we are not imposing any unjust or discriminatory burden upon foreign-owned ships.

So far as the question of the treaties is concerned, when the matter was suggested I will confess that it gave me some uneasiness; but I think the amendment proposed by the Senator from Wisconsin has obviated any objection which could be made upon that score. We have provided in these various treaties that they may be abrogated upon a year's notice. Having made that provision, of course it was within the contemplation of both parties to a treaty that that power might be exercised by either nation; and that being so, it being clearly within the contemplation of both parties that it was a power which might be likely exercised at any time, I can not see upon what theory any foreign nation can complain if we have determined that the occasion has arisen, that the time has arrived, when we ought to give that notice. We are not violating any treaty if we do that, but we are acting in pursuance of the terms of the treaty.

Mr. President, just a word or two with reference to one or two of the features of this proposed substitute. I think one of the most important provisions in the substitute, and one of the most necessary, is that providing for the employment of able seamen and the provision requiring that there shall be two able seamen for each lifeboat upon the vessel.

I have been looking over the report made to the House upon a similar bill May 2, 1912, and I have been very much struck by the statement contained in that report with reference to the station assignments made upon some of the ships with regard to the manning of lifeboats. To my mind the statement contained with reference to that matter in this report constitutes the strongest kind of circumstantial evidence in favor of the provision in this proposed law with reference to providing upon every lifeboat one or more able seamen. The matter to which I call attention is on page 11 of the report, headed:

Station bills showing how boats are manned in case of disaster, who are in charge, and the number of seamen in each boat under present regulations.

Pacific Coast Steamship Co.: Boat stations—Steamship Governor—I may say that the Governor is a boat plying upon the Pacific—

Boat No. 1. Located, boat deck, starboard side; captain in command; No. 1 quartermaster, No. 3 oiler, No. 1 seaman, No. 1 stewardess, No. 64 waiter, No. 77 waiter, No. 2 fireman, No. 26 fireman, No. 1 deck boy, wireless, No. 86 fireman.

That is the crew of that boat. The provision having been made in advance, in the case of the necessity of manning a

lifeboat the various persons named shall take their positions in that particular lifeboat in that way. The significant thing in that is that one seaman is provided for. That standing alone, of course, would not be significant, but when you go through the entire list, taking boats Nos. 1, 2, 3, 4, and so on, down to boat No. 12, you find in each boat that provision is made for a seaman; that is, No. 1 seaman in boat No. 1, No. 2 seaman in boat No. 2, No. 3 seaman in boat No. 3, No. 4 seaman in boat No. 4, No. 5 seaman in boat No. 5, No. 6 seaman in boat No. 6, No. 7 seaman in boat No. 7, No. 8 seaman in boat No. 8, No. 9 seaman in boat No. 9, No. 10 seaman in boat No. 10, No. 11 seaman in boat No. 11. It appears there were only 11 able seamen on that ship, so that when they came to the twelfth there was no able seaman to go in that boat, but they recognized the necessity all the way through of providing for an able seaman in every boat just so far as the able seamen would go.

There is no such coincidence with reference to any of the other employees. It was a matter of unconcern as to whether or not there should be one waiter on a particular lifeboat or two waiters or half a dozen waiters or none at all, but just as far as those 11 seamen would go provision is made for 1 of them on every boat, and when they came to the twelfth boat provision would have been made for a seaman upon that boat as well, only there was no twelfth seaman upon the ship.

The question arises, it being recognized by the people in control of this ship that it was an important and a necessary thing that these seamen should be distributed among these lifeboats so far as they would go, is it not the duty of Congress to provide by legislation in such a way that the twelfth boat would be taken care of just as well as the other 11?

Take the next boat, No. 1, upon the Atlantic coast:

Crew stations of the steamer Governor Dingley.

I will not stop to go through the detail of that, but it appears that boats Nos. 1, 2, 3, 4, and 5 were provided with a sailor. In that tabulation they are called sailors instead of seamen, but the same sort of an employee is meant. Boats No. 9, No. 10, and raft No. 1 were provided with one seaman each. It appears that upon that ship they did not have as many seamen as upon the Pacific ship, but again it appears that just as far as these sailors would go they are distributed among these boats. But boats No. 6 and No. 7 and rafts Nos. 2, 3, 4, and 5 were not provided with sailors, because there were none to provide. Again, it being clearly recognized by the people in control of this ship and upon all the others that I have had any opportunity of looking into that seamen were necessary upon the lifeboats, the question arises whether it is not the duty of Congress to enact such legislation as will require seamen upon these boats that are now not provided with them as well as upon those which can be thus furnished.

I find another striking thing in this report, and that is that of the lives saved at sea during the year 1909-10 from British ships abroad 131 were saved by rocket apparatus and from ropes from shore and 47 by lifeboats; but the majority were saved by the ships' own boats, 3,339, and by passing ships, 1,057. That is, out of the 5,595 lives that were saved at sea more than 5,000 of them were saved by the lifeboats of the vessel itself and the lifeboats of passing ships, indicating the great value of the lifeboat and the tremendous necessity for perfecting the lifeboat service in order that it may be efficient.

Mr. President, I do not care to say anything further about the bill, but I desire to call to the attention of the Senate a statement which was made recently by Mr. Andrew Furuseth, whom most of us know. He does not attempt to discuss it in detail, but to my mind it is so graphic a statement of the situation in its broad features that I am going to ask the indulgence of the Senate while I read it. I will ask, before I read it, for fear that I may forget it when I finish, that in addition to going into the Record it may be printed as a Senate document. (S. Doc. No. 216.)

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. SUTHERLAND. It is headed "The decay of seamanship in Europe and America," and by way of text in the beginning of it this statement is made:

"The Caucasian is leaving the sea; the oriental is filling the vacancy. Sea power is in the seamen; vessels are the seamen's working tools; tools become the property of those who handle them."

This is not a prophecy; it is a fact. If the reader needs proofs, let him visit the docks where the ocean cargo carrier—the tramp—is taking in or delivering cargo. He will find that while the officers are white, the sailors and firemen are very largely from the races which inhabit Africa, Asia, and the Malay Islands. If he be fond of statistics and knows the way they are made up, so as to hide from John Bull the loss of his sea legs, the decay of his sea power, let him examine the reports issued from year to year by the board of trade. If he be told that the tendency is sporadic, let him ask the boys along the seacoasts of Europe and America north of the Mexican line what they are going to be when they grow up, and the answers will be truly illuminating. Let

him ask the seamen if they will accept a job on shore, and he will find that they are willing to accept anything to get away from the sea. The men are leaving the sea; the boys are shunning it.

The compelling cause of this drift from the sea is a great wrong, which can only be cured by legislation. National commissions and international conferences have sat and inquired into losses of life at sea; they have reported vessels to be undermanned both in individual skill and in numbers of seamen employed. Recommendations have been made and forgotten. The *General Slocum* was lost with about 1,000 lives. The coroner's jury said, "Inefficient crew"; the commission appointed added, "Not enough life preservers; inefficient inspection." The net result was more life preservers, better inspection, but no improvement in the crews. The *Titanic* was lost. The senatorial commission said, "Not enough lifeboats; the crew inefficient in skill and number." There are some more lifeboats, but no more or better men. The drift from the sea is growing and safety diminishing, while vessels are steadily growing larger. Seamen have sought proper legislation in vain for more than 20 years. Congress after Congress have been appealed to, but without substantial results. The seamen are poor; they are lowly; few of them are voters; fewer still can vote, being at sea; they have nothing with which to quicken sympathy and induce action except their plainly told tale. And yet the questions arising from the drift from the sea are of great racial importance; they are of great national importance; they are of great economic importance, and of serious personal importance to those who travel the sea for business or pleasure. The cause of the drift from the sea is simple; the remedy easy, if honestly applied.

1. When a citizen becomes a seaman he surrenders all rights of citizenship, he voluntarily places himself outside of the protection of the thirteenth amendment to the Constitution.

Mr. President, I may pause at that point long enough to say that my attention was recently called to the decision of the Supreme Court of the United States in the One hundred and sixty-fifth United States, in which I was somewhat astonished to read the opinion of the majority of the court, holding substantially what is stated here, that a seaman, notwithstanding the thirteenth amendment to the Constitution, could be bound to involuntary servitude, provided he had agreed in advance to serve upon the vessel for a particular length of time.

I say I was astounded to read that, because I had always believed that the provision of our Constitution with reference to involuntary servitude was wider than the question of slavery; that it meant precisely what it says; and that nobody could be compelled against his will to serve another for a single day. The Supreme Court said that because he had agreed in advance to accept this service or to bind himself to this service, he therefore voluntarily entered the service, and that the fact that he might conclude thereafter to quit the service would not render it involuntary.

It seems to me that the fallacy in the argument of the court is perfectly plain, because although a man has made a contract to serve another for a particular length of time, the moment he concludes to repudiate the contract he becomes liable, of course, to an action for damages; but if having concluded to repudiate the contract he be compelled to comply specifically with the terms of the contract, his service from that moment becomes involuntary. Otherwise a man could bind himself for life to serve another, and in that way bind himself to a condition of slavery. I think the decision of Justice Harlan, who dissented from the majority decision of the court, proceeds upon the better reasoning.

But I proceed to read from this document:

2. He accepts and surrenders to the plenary power of Congress and the President over his personal freedom, the wages he has earned, the work he is to do and with whom he is to do it, and thereby unreasonably increases the burden of his toil and the risks, naturally and unavoidably great, to his life.

One century since the status of the worker was either that of a slave, a serf, or one who labored under term contracts enforceable by imprisonment. The seamen belonged to the last-named class. Being among the freest of the workers, his social and industrial condition was, in comparison with the others, favorable. Other causes contributed to this result.

1. The shipowner might lose his all through local riots or other social disturbances in port, through piracy or other dangers of the sea.

2. He was liable to the traveler and the shipper for the amount of damages caused, if traceable to him, not being "acts of God" or "the public enemy."

The self-interest of the shipowner was sufficient to cause him to carry men skilled in their calling, acquainted with the use of arms, physically able to use them, and with sufficient courage to defend and protect his employer's property, whether the attack came from men or from natural elements. The shipowner appreciated this to the extent of obtaining legislation which gave him the power to punish the laggard or to reduce the incompetent in rating and wages, according to his demerit. The shipowner still has this power. He was bound by law to carry a national crew, either in whole or in part. These conditions compelled him to look for his workmen among his own people, among the strong, the healthy, and the skilled. If he employed his slaves or serfs, they became free.

These several causes worked automatically toward a wage rate, under which the seamen could and did keep a family in as much well-being as the average skilled mechanic.

During the last century a great change came over society. Slavery and serfdom were abolished; term contracts to labor, enforceable by imprisonment, either by law or in equity, were abolished here in the United States and in some countries in Europe, while in others they were reduced in number and remained applicable only on servants, in houses or in husbandry. As freedom came to men it carried better treatment and better wages. Wages rose gradually until they doubled, trebled, and quadrupled; the legal testimony of the worker became creditable, being untainted by his status. The seaman was not per-

mitted to share in any of these changes; his status remained. His wages stood still or were actually lowered. The cost of living rose with the advancement of the wages; the purchasing power of the seaman's wages went down, and he became unable to care for a family.

Other causes contributed to this result:

1. A system of marine insurance was perfected, through which the shipowner guarded himself from the dangers of the sea and distributed the losses upon the general community.

2. Limited liability laws were enacted through which the main risk of travel fell on the passenger, the risk of merchandise in transit upon the shipper, who through the insurance shifted it to the general public.

3. Piracy ceased and losses through revolts or revolutions became collectible from the nations or communities held responsible.

4. Lighthouses were built, channels marked, deepened, and widened, storms were studied, warnings were given, and navigation became more safe.

5. Laws compelling national crews were repealed, modified, or disregarded.

Having rid himself of the risk by insurance of the liability by legislation and of limitation as to the nationality of the men employed through the repeal of laws, the shipowner cared no longer for skill, ability, nationality, or race. The wages to be paid became his main consideration. He might send his vessel to sea with men, none of whom were trained in the work or who understood without an interpreter the orders given. The seaman was compelled to compete with the unskilled from all strata in society, from all nations and all races, and when at sea he was compelled to do the work which these men could not do. This is the condition to-day. Hence the increasing shipwrecks, the great losses of life, such as the *General Slocum*, the *Elbe*, the *La Bourgogne*, the *City of Rio de Janeiro*, the *Norge*, the *Valencia*, the *Oceanic*, the *Titanic*, and almost innumerable others; hence, also, the constant increase in insurance rates. White men are leaving the sea. Modern education and the worn-out ancient status can not continue together. Men refuse to go into or remain in any calling which will not furnish sufficient upon which a family may be kept. More and more men come to sea as does the sewage. The last Congress passed a law providing for more reasonable hours of labor for officers of vessels, and it is largely disobeyed, either secretly or openly, with the excuse that the shipowners can not find men from whom officers can be made. Let this thing continue a few more years and the Asiatic will have to be accepted on the bridge in command, because none others will be available. Men from the Mediterranean, from Arabia, India, and South Africa sail the vessels on the Atlantic; men from China and Japan sail the vessels in the trade between our Pacific ports and Asia. The number of Asiatics and Africans from the south of Africa in the merchant marine of Great Britain is about 100,000. Norway, with her former surplus of seamen, has not enough for her own vessels, and the number is steadily decreasing. Germany's seamen come from the interior, and are diminishing. The drift from the sea on the part of the Caucasian is general and growing. There must be a change. It must be fundamental, and it must be soon, or the sea must become the domain of the oriental. His status and standard of living corresponds to the status and earning capacity of seamen of to-day.

These facts have been presented to Congress after Congress. The seamen have been met with the answer that to change the condition as urged would be to still more widen the difference in the wage cost of operation now existing between foreign and domestic vessels taking cargoes or passengers from American ports, and thus drive the few remaining American vessels from the ocean. The seamen then went into the study of the real causes of the difference and found—

1. That wages are determined by supply and demand; that it is the same to all nations' vessels in the same port if the vessels are going in the same or a similar trade.

2. That wages are dependent upon the standard of wages and of living in the port and in the territory adjacent thereto and upon the port to which the vessels are going.

3. Upon the standard of skill demanded and the chances of getting away from—deserting from—the vessel at her port of destination if such be a high-wage port.

Thus it was found that when a Norwegian shipowner wants men to join a vessel sailing between ports of the United States and the West Indies or Central America (the fruit steamers), he pays 50 per cent more wages than if the vessel was going to the Black Sea. He does this to keep the men now, when by treaty he can have them arrested, detained, and delivered back to him. The fugitive-slave law is in full force and operation between nations through treaties entered into. If the men coming to the United States from other countries could quit their vessels in ports of the United States and reship in some other vessel, the wages would become equalized. It is not suggested that seamen should be paid off. It is suggested that they should be able to obtain one-half of their earned wages and that they should not be arrested and delivered back to their masters (owners?) against their will. The only difference in the cost of operation of vessels that does not arise out of the cost of building is in the wage. All other supplies are obtained upon the same terms by vessels in the same trade. The price of the port controls. The wages of the port would control if the law of supply and demand was permitted to act, but this law is set at naught by laws made by the several nations and given vitality in foreign countries through treaties. Such arrangements are solely in the interest of low-wage countries. Abolish the fugitive-slave law now operating upon the seamen, cease being the slave catcher for foreign nations, and the economic value to purely American-owned vessels would be equal to a greater sum than was ever asked for as a subsidy, and all talk of subsidy or necessity for discriminating duties would at once be at an end.

Give to the seamen, while the vessel is in port and in safety, the freedom that has been given to other workers; give them half of the money due to them (others get all) in such ports in order that they may have the means to exercise and to protect their freedom; provide a standard of skill in the men employed (and thus make it possible for them to save life at sea, their own included); provide such regulations as to working hours as shall keep the skill available (they work 7 days a week and 12 hours per day at present); make the freedom, the standard of efficiency, and the right to one-half of the money due applicable to foreign vessels coming within the jurisdiction of our laws, and there will be a reasonable assurance of safety at sea. The American vessel will be on equality with foreign vessels in American ports, as they already are, through law enacted in 1884, in foreign ports, and the "drift from the sea" will cease. There will be a better class of men available for the merchant marine and the Navy; there will be more safety at sea, lower insurance rates, and no necessity for either a subsidy or for any discriminating duty. England regulates all the matters dealing with safety, including the number of men, on vessels coming within the

jurisdiction of her laws, and we will be doing nothing except what is truly American by doing the same.

Compulsory labor in private employment has few friends to-day, and the hope of the thinking seamen has been that freedom will come to them also. In this hope they have waited and worked. They believed that the nations would come to realize their need of seamen for national purposes and that disasters, which were sure to multiply as skill decreased, would cause the people to demand such changes in the law as should be found needed in the interest of safety of life at sea. Vessels that can not burn and will not sink are not built; the best vessel ever built is unseaworthy unless manned by skilled officers and men, who can understand the orders and who know how to obey them. Real seamen know that in any serious struggle with the forces of nature the human element is the determining factor. They have been waiting, watching, and praying for relief. Senate bill 4 is the remedy and will give the relief needed.

An international conference on safety of life at sea is coming, but we fear that little of real value will come from that, unless it is preceded by proper legislation here setting a minimum. We fear that the forces which have been and now are engaged in destroying the customs upon which skill and safety rested, and which have succeeded in preventing legislation so long needed, will in some way dominate the conference.

With the proper legislation enacted here and thus a minimum set, that conference would be valuable. Other nations would have to follow our lead, owing to pressure of economic conditions; they would therefore make a virtue of necessity and the conference would very likely recommend similar legislation to other countries.

Sea power is in the seaman. Ships are but the seaman's working tools. If there be a desire in the white race to retain its sea power, the Caucasian must be brought to sea again. Nations which desire to share in that sea power must depend upon their own citizens or subjects. If a reasonable safety at sea be desired, men of strength, courage, and skill must be induced to again seek the sea and they will not come to accept existing status nor tolerate other existing conditions.

Mr. PAGE. Mr. President, at the proper time I wish to offer a very small amendment to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. The little Lake Champlain has probably no point from the extreme northern end of navigation to the south end where the lake is more than 6 or 7 miles wide, and in almost the entire length the steamer travel rarely gets more than 1 or 2 miles from land. They have only a short period of business that is profitable, and they have a very fine boat, the *Vermont*, one of the safest that I know of anywhere. The men who man that boat are intelligent young men from the borders of Vermont and New York, men who are thoroughly competent to man the boat, although they would not, perhaps, be classified as "able seamen."

I have been conversant with travel on Lake Champlain for at least 50 years and I do not recall, at least within this generation, a serious accident on that lake. It seems to me that we ought not to burden that little traffic with the added expense which this substitute proposes to compel. Therefore, on page 15 of the substitute bill, after the word "exclusively," in line 15, I move to insert the words:

And the smaller inland lakes where the line of travel pursued is at no point more than $3\frac{1}{2}$ miles from land.

On the following page it will be necessary to make a slight change to conform to this amendment by inserting, after the word "harbors," the words "and the smaller inland lakes as hereinbefore specified." If amended as I have proposed, the language will read:

SEC. 12. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes where the line of travel pursued is at no point more than $3\frac{1}{2}$ miles from land, and except as provided in section 1 of this act, shall be permitted to depart—

And so forth.

It is very patent to me that this amendment ought to be made, and I can not believe that anyone will oppose it; but protests have come to me from our little lake in such numbers that I felt that it was my duty to offer the amendment. I hope there will be no objection to its adoption at the proper time.

The VICE PRESIDENT. There is an amendment prior to this amendment. The preceding amendment has not yet been disposed of.

Mr. PAGE. I understand that, Mr. President; but it occurred to me that we were coming very near to the hour of 4 o'clock, when debate is to cease, and I wanted to make this brief statement, so that when the matter came up the Senate would understand my reason for offering the amendment.

Mr. DILLINGHAM. Mr. President, may I add just a word to what my colleague [Mr. PAGE] has said? He has referred simply to Lake Champlain; he might, of course, have referred to Lake George; but all through New England there are lakes of this character—lakes which freeze over in the winter—and the traffic upon which occurs only during the summer season. I would be afraid to state the number of such lakes in New England alone, but in the Adirondacks and in all the different parts of the country they abound.

The impression has gone abroad that such lakes would be classified as rivers under the terms of this bill. I took occasion a little while ago to have a conversation with Mr. Furuseth,

who has been very frequently quoted here, and he told me that he supposed under the direction of the board of navigation, or whatever body it is that has charge of this matter, lakes of this character would be classed as rivers under the terms of the bill; but when I told him the character of the waters he became satisfied that such would not be the fact. Such not being the fact, it seemed to me perfectly pertinent that this amendment should be offered and adopted, so that the navigation on this class of inland waters should not be burdened with the provisions of the bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CUMMINS. May the amendment to the amendment be again stated, Mr. President?

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. Mr. BURTON proposes the following amendment to the amendment offered by Mr. LA FOLLETTE: On page 2, line 13, after the word "limit," strike out the word "either" and insert "the obligation of all the crew to take part in boat drills and fire drills or," so as to read:

But these provisions shall not limit the obligation of all the crew to take part in boat drills and fire drills or the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors, etc.

Mr. BURTON. Mr. President, I do not see how there can be any objection to this amendment. Without it the language is ambiguous and doubtful. Indeed, I think the law would be interpreted as not requiring any steward or fireman or engineer to take part in the lifeboat drills.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. LA FOLLETTE. I hope, Mr. President, that the amendment to the amendment will not be adopted. It aims simply to break down the provisions of the substitute bill regarding the classification of the service. It is simply in line with the proceedings and the attitude of the Committee on Commerce and the committees of Congress generally in dealing with this seaman's problem. The men who are desirable in this branch of the service can only be expected to enter that branch of the service if there is some opportunity for fair remuneration and for some development in rank and skill. I sincerely hope that the amendment to the amendment will not be adopted.

Mr. BURTON. Mr. President, the Senator from Wisconsin certainly entirely misapprehends the object of this amendment. There is no one who will deny that it is desirable when a boat is at sea and an emergency arises that the greatest possible number should be available for saving human life whether on boats or in fire protection. It is proclaimed that this substitute means greater safety for human life. If you vote down this amendment, you say that a man who is a steward, a man who is a fireman or an engineer, can not be required to prepare himself for the emergency to which that boat may be subjected. It is in line with a disposition to so divide all the different departments that each shall have control of only one branch of activity.

It has been shown here in the argument that some of the very best service that has been rendered has been rendered by those who were members of the fire crew or who were stewards, and that life has been saved by them. Unless you adopt this amendment you say that they shall have no part in boat drills, that they shall have no part in fire drills. In fact, the engineers and firemen, as is the case now, should have the leading part in fire drills, because it is largely a matter of mechanism.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, the Senator from Ohio has from the beginning of this debate—I will not say purposely, but purposely or not he has misstated, distorted, and misrepresented the provisions of the substitute bill. I am bound to say that I can not believe that he intended to do so.

There is nothing in the provisions of the bill which when danger threatens, when there is need to save the ship's cargo or to render aid to other ships in distress, would prevent the men engaged to serve in one department of a vessel being assigned and compelled to perform service in another department. There is not a thing in that provision which prevents their being all called out whenever, in the opinion of the master of the vessel, it is necessary to work them in any department for the preservation of the vessel or for the safety of the passengers or crew at sea or to train them for that work. To endeavor to make it appear that because it is desirable that

men who are accepted and assigned as able seamen shall not be sent into the hold to shovel coal this substitute provides that in the ordinary work of the vessel the men of one department shall not be required to serve in another—I say to attempt to distort a provision of that sort into meaning that the captain of the vessel can not call men from every department and assign them to any kind of work when he thinks it is necessary for the safety of the vessel is—well, if I did it, I should think it was not quite fair. I will not say it is not fair in the case of the Senator from Ohio.

Let us consider it for a moment and think of the way this paragraph has been treated in this debate. Here is the language:

And seamen serving in one department of a vessel shall not be required to do duty in another department; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy.

This gives the widest latitude. Under it the captain of a vessel does not need to wait until the storm breaks; he does not need to wait until the sides of the vessel shall have been gashed by an iceberg before he calls the men from the different departments for service wherever needed for the good and the safety of the vessel in time of danger to be drilled and prepared for that hour. No; this provision, notwithstanding the argument of the Senator from Ohio to give it a more limited construction, gives ample and specific authority to the officers at any hour from the time the ship leaves her wharf to call the men from any department of the vessel and from all departments of the vessel and put them into service and into drill outside of their departments. He can call these wonderful men from the stewards' department, these most remarkable of all the life-savers of the sea, these waiters, who, with a little harbor drill, the Senator from Ohio would make the only means of saving from destruction at sea all those on a vessel. These can be called out of the kitchen and put into any sort of service on the vessel that he pleases and deems necessary with a view of providing safety whenever danger is involved.

The provisions of this section, if they had been especially drawn to meet that contingency, could not have been better drawn. I did not draw them; I am not the sole author of this bill. No man can claim that distinction. This bill is the evolution of a struggle of 19 years, not only to emancipate thousands of men from slavery, but also it is the work of able, patriotic men who would see the American merchant marine restored to a place of importance in the commerce of the world by legitimate, honest, and economic methods, rather than by some dishonest subsidy scheme.

More than that, this bill is the result, Mr. President, of the combined efforts of men who would save, if possible, seamanship to American seamen. The policy pursued in Congress has had as admirable an exemplification as it could possibly have in the person of the Senator from Ohio and in his speech. It represents exactly the attitude of the American Congress for 19 years toward this question. Blind to everything else, excepting, as it seems to me, the interests of the shipowners, the policy that has been pursued with respect to seamen has driven thousands upon thousands of them out of the business and into other lines of business. Why? Because the laws of the United States made every representative of this country in every country of the world a fugitive-slave catcher for every seaman who shipped in any vessel and subsequently left it. Such are the hard conditions of the law. Since the fugitive-seaman law was enacted in 1790 there have been scarcely any modifications to ameliorate the conditions of the seamen.

Mr. President, when I sought and obtained, from the Senate an agreement making this subject a special order, I did so because it seemed to me that it ought to be given precedence over any other business which could by any possibility come before the Senate at this time. I will except nothing. I assert that adequate legislation to establish and maintain the highest standard of efficiency in our marine service is supreme in its importance.

At the session of the Senate on Monday, October 13, there was some discussion criticizing the making of these special orders for the consideration of legislation other than the currency measure, which is still in committee. The order for action upon the seamen's bill can not possibly block the way of the currency bill, because it is well understood that the hearings upon that bill will not be concluded before October 25. And the order for the seamen's bill expires by limitation on the 23d of October at 4 o'clock, when a vote is to be taken. I did not on Monday feel called upon to defend the action of the Senate in

ordering the consideration of the seamen's bill. But I can not refrain from noticing at this time some of the views of Senators then expressed regarding the relative importance of currency legislation and the legislation on the seamen's bill. It was said that the measure to establish reserve banking associations is the "greatest problem with which the Senate has to deal"; that it "affects bankers and business men from all sections of the country"; that "we should give to its consideration all of our time until it is passed"; that it "affects the vital interests of every community and the business fortunes of hundreds of thousands of men." The opinions generally expressed placed it above and before all other subjects demanding prompt action at the hands of Congress.

Mr. President, the issues affecting business interests have back of them power and influence sufficient to dominate all other considerations. Whenever property rights are involved, the Senate is keen for prompt action. But, sir, against legislation affecting business prosperity and property rights, I place above and before any bill which merely concerns business interests and property rights this measure which involves the right of thousands of men to be free men. It involves the safety of the lives of hundreds of thousands of men, women, and children. And, sir, upon the success or failure of this measure depends ultimately the rank and standing of the Navy of the United States before the sea powers of the world. I say that it is vital, not at some other time, but at this time, that we should deal with this bill thoroughly and comprehensively with the single purpose of serving the public interest.

Mr. President, arrayed against this legislation are the powerful steamship companies and the great shipowning corporations not only of this, but of all countries whose commerce comes to American ports. And, sir, it is well for us to understand at the outset the difficulties, the halts and delays and devices which have so long prevailed and which must be overcome here and now if this measure is to be made effective for the public good.

The attempt to secure legislation for the emancipation of the sailor from serfdom and the safety of human life at sea repeats the history of every attempt to secure legislation against organized corporate power, no matter how urgent the need, no matter how widespread and general the public demand.

For 40 years the people had vainly petitioned Congress for postal savings banks; the bankers of the country opposed the legislation. For a quarter of a century the people prayed for the establishment of the parcel post before Congress grudgingly enacted the law; the express companies were opposed to it. For more than 40 years the people have urged Congress to pass legislation necessary to ascertain and enforce reasonable transportation rates and services; the railways have been powerful enough to prevent the fixing of such rates down to the present time. The people campaigned for a pure-food law for 17 years before they secured from Congress the present imperfect statute.

In 1905 more than 10,000 passengers and more than 48,000 employees were killed on the railroads of the United States. The English railroads at that time, where the traffic was twice as dense as ours, were killing and injuring only one-tenth as many as we were killing and injuring on the railroads of the United States. To reduce this awful and increasing injury and slaughter of innocent people in our country, appeal was made year by year to Congress for legislation requiring the railroads to adopt approved safety appliances and regulations in the operation of their trains. Session after session the railroads successfully resisted this humane legislation. A moiety of safety-appliance legislation was after a time allowed to pass to ease off the rapidly increasing public demand for protection; but so imperfectly has Congress discharged its duty to the public that there is an appalling increase in the human sacrifice which we are compelled to make because of the determination of these corporations to save money on equipment, repairs, men, wages, and hours of service. In 1912 the steam railroads alone killed and injured 180,123 people in this country.

Conservative Senators and Congressmen can not comprehend the ever-growing demand of the citizen for a more and more direct control of his Government. The election of United States Senators by direct vote; the nomination of congressional and other candidates for office by direct vote; the election of delegates to national conventions by direct vote; the naming of candidates for President and Vice President by direct vote; the initiative, the referendum, the recall, one and all, are the logical outcome of the failure of the United States Senator, the Congressman, and public official, National and State, to represent the people. The citizen is aroused at last. He is determined to make his Government faithfully represent the public interest in all things affecting the public interest.

The status of the American seaman, Mr. President, may be traced in the legislation which has been enacted to cover men employed in this service.

The act of July 20, 1790, provided for the arrest and the forcible bringing on board of any seaman who had signed a contract for a voyage and deserted or failed to report, to be compelled to fulfill the contract. This act provided that he could be arrested upon a warrant.

Section 4553, approved July 20, 1790, denied to seamen the benefits of the writ of habeas corpus, provided the proper officer found that the vessel was fit to go to sea and the sailor who had signed the contract refused to fulfill its provisions.

Section 4690 of the Revised Statutes of 1873 made punishable the harboring or secreting of seamen. This was part of the act of July 20, 1790.

March 3, 1835, Congress enacted a statute for the "better protection of seamen," and which provides punishment for a master or other officer who—

from malice, hatred, or revenge, or without justifiable cause would beat, wound, or imprison any of the crew of such vessel.

September 28, 1850, Congress enacted a statute purporting to abolish flogging on board of merchant marines, but it carried no penalty for its violation.

On June 7, 1872, Congress enacted "the shipping commissioners' act." That modified the statute of 1790 and provided that a seaman could be taken aboard a vessel with which he had signed articles without a warrant and without being taken before a magistrate, as was provided in the law of 1790, and at the same time provided that if he was wrongfully taken aboard of such a vessel that those who were guilty should be liable to a penalty of not more than \$100, but if the penalty was inflicted it would be a bar for recovery in any action for false imprisonment.

The act of June 9, 1874, provided that none of the provisions of the shipping commissioners' act of 1872 should apply to the coastwise trade, except between the Atlantic and Pacific coasts, or in lake-going trade touching at foreign ports or in the trade between the United States and British North American possessions.

The effect of this was to make inapplicable in the coastwise trade the provisions of section 4596 of the act approved June 7, 1872, and of section 4599 of the same act.

The act of June 26, 1884, prohibited the payment of advance wages or blood money, and authorized the master of the vessel, in section 20 of that act, to ship a crew in a foreign port for a round trip to the United States without imposing upon him the obligation to reship them in a port of the United States. The effect of this was to reduce the wages on the American vessel to the level of the ports from which the crew was shipped.

The act of 1886 gave permission to pay advance wages under the name of allotment to original creditors. It further extends the law of 1874 so that the shipping commissioners' act is not to apply in the treaties between the United States, the Dominion of Canada, or in Newfoundland, or in the West Indies, or the Republic of Mexico. This, in effect, so far as this trade was concerned, repealed all of the provisions of the act of 1872. This, so far as this trade was concerned, repealed the law of 1884 prohibiting the payment of advance money.

The act of August 19, 1890, provided that if the seamen shipped before a shipping commission in the coastwise trade and in the trade between the United States, the Dominion of Canada, in Newfoundland, or the West Indies, or Mexico the penalty clauses of the shipping commissioners' act of 1872 should apply. The penalty clauses of this act are those that are included in sections 4596 to 4599. Immediately upon the enactment of this statute the shipowners gave instructions that all of their men must sign before a shipping commissioner, and the shipowners on the Lakes requested that shipping commissioners be appointed for that territory. These commissioners were not appointed upon the Lakes, but so far as the coastwise trade was concerned the most oppressing features of the statutes affecting seamen were reenacted.

The result of this act on the Pacific coast was a strike which lasted for 15 months. The strike was against shipping before the commissioner. In this strike 11 men were killed, and at its conclusion three-fourths of the sailors had left the sea or had left this country. The records of the seamen's union on the Pacific coast show that more than 2,000 left the calling.

The act of February 18, 1895, shows the effect of this protracted strike and agitation among the seamen of the whole country because of the act of 1890, as it repealed, so far as the coastwise trade is concerned and the trade with the West Indies and Mexico, Canada, and Newfoundland is concerned, the pen-

alty clauses of the act of 1872 that by the act of 1890 were made applicable to this trade.

Upon the passage of this statute the shipowners planned to circumvent the statute providing shipping articles in which a vessel would sail in the coastwise trade. For example, from San Francisco to Columbia River, and at Columbia River for a foreign port, such as Valparaiso or Shanghai; and the shipping articles at San Francisco were made to read for Valparaiso and Shanghai by Columbia River, and the men in the coastwise trade between San Francisco and Columbia River were subjected to all of the penalties that were provided for in the act of 1872 covering seamen in the foreign trade.

The seamen on the barkentine *Arago* shipped at San Francisco for a voyage to Knappton, in the State of Washington; thence to Valparaiso; and thence to such other foreign ports as the master might direct, and return to a port of discharge in the United States; but becoming dissatisfied with their employment, they left the vessel at Astoria, in the State of Oregon, and were arrested under the provisions of sections 4596 to 4599. They were taken before a justice of the peace and by him committed to jail until the *Arago* was ready to proceed—some 16 days—when they were taken from the jail by the marshal and placed on board of the *Arago* against their will; they refused to "turn to" in obedience to the orders of the master and were arrested at San Francisco, charged with refusal to work in violation of Revised Statutes, section 4596; were subsequently examined before a commissioner of the circuit court and by him held to answer such charge before the district court for the northern district of California.

The case came up on appeal before the United States Supreme Court and the majority of the court, seven members, joined in a decision sustaining the lower court. The decision is found in the case of *Robertson v. Baldwin* (165 U. S., p. 275).

Justice Harlan filed a dissent from the opinion and the judgment of the court. This case was decided January 25, 1897. It fixed the law and the status of seamen employed in the coastwise trade, where that trade could be coupled up with a foreign trade, to be the same as those who were in the foreign trade.

In the opinion the court held—

The question whether sections 4598 and 4599 conflict with the thirteenth amendment, prohibiting slavery and involuntary servitude, depends upon the construction to be given to the term "involuntary servitude."

We are also of the opinion that, even if the contract of a seaman should be considered within the letter of the thirteenth amendment, it is not within its spirit a case of involuntary servitude.

After giving a review of the legislation affecting seamen, the court continues:

In the fact of this legislation upon the subject of desertion and absence without leave, which was in force in this country for more than 60 years before the thirteenth amendment was adopted, and similar legislation abroad from time immemorial, it can not be open to doubt that the provision against involuntary servitude was never intended to apply to their contracts.

The definite finding by the court that the thirteenth amendment did not apply to seamen was the hardest single blow that was ever struck against the maritime power of the United States.

It brought conviction to the minds of the men who had followed the sea that they could have no hope but that they must be slaves. The result was that when the call came for volunteers in 1898 in the Spanish-American War that comparatively few skilled seamen volunteered for the service. The Navy was filled with men, and while the records have never been made public, it can be ascertained at the Navy Department that the crying need was for skilled seamen.

The best seamen in that struggle came around on the *Oregon* into the Florida Keys. In order to get some skilled men upon some of the other boats the skilled seamen were transferred from the *Oregon* and their places were filled with the unskilled men from other boats. In other words, the few skilled men had to be distributed around and spread out just as thin as it was possible to do. From the date of this decision down to the present the seamen have sought in every way to secure employment in other occupations, and the drift of Americans from the sea has been steadily increasing, until their places on the merchant marine of this country are being taken by foreigners, even by the Asiatics, and the laws have been such as to drive men imbued with the spirit of free men away from the service, and it is turned over to a class of men who, should the hour of danger ever come, will turn our instruments of commerce against us.

There are not available official statistics from which may be obtained accurate information with respect to the drift from the sea. The statistics given with the report of the Commissioner

of Navigation upon the number of men shipped can furnish no accurate guide, for the reason that the same man may be accounted for ten or twelve times in the year, or even more.

The Sailors' Union of the Pacific have for a great number of years kept an accurate record of the number of sailors who have entered and who have left the service upon the Pacific coast. These figures were furnished to the merchant marine commission and may be found in Senate Report No. 2755, Fifty-eighth Congress, third session, which contains the report and the hearings of this commission. These figures show that during the years from 1885 to 1904, inclusive, 17,237 sailors entered the Pacific coast trade, and of these 1,392 were natives of the United States. The figures furnished the commissioner contained nothing to show the number of men who departed in the years 1885 to 1888, inclusive, nor in the year 1890, but in the other years, covering the same period—that is, 1889 to 1904—the number of sailors who discontinued service in the Pacific coast trade and went away from it was 13,796, and of these 1,195 were natives of the United States, and there remained a total of only 197 of the sailors natives of the United States in the service at the date that these figures were compiled.

The act of December 21, 1898, made many amendments, some of them very beneficial amendments, liberalizing to some extent the laws under which American seamen are compelled to labor and repealed imprisonment for desertion or failure to join the vessel, except in a foreign trade, where it was reduced in a foreign port in a foreign trade from 2, 6, and 12 months to 1 month in any case. It also repealed practically the act permitting corporal punishment and improved the food standard, the compliance with which has resulted in the wiping out of scurvy and beriberi in the American merchant marine.

The Senator from Ohio referred to many improvements that have been made in our shipping laws. They were all, Mr. President, improvements which in some cases incidentally benefited the American seamen, in some cases directly benefited the American public, in every case directly benefited the shipowners, or they would never have gotten through the American Congress, so subservient has it been for a score of years to the interests of these powerful masters of the commerce of the sea.

The attitude pursued by this Government has driven thousands upon thousands of liberty-loving, independent men away from the sea. Do you know what that means? Do you know what it means that the American lines running between the Pacific and the Orient carry 80 or 90 per cent orientals? Why, Mr. President, a little disturbance occurred in California a few months ago because there was an effort on the part of some of the yellow men to acquire title to a little bit of land in that State. A rebellion almost started, and yet the policy pursued by the American Congress has handed over the American merchant marine to the Chinese and the Japanese. I will cite as an example a ship of the Pacific Mail Steamship Line, which runs from San Francisco to Hongkong. It leaves that American harbor every time it sails with just barely men enough on board who speak the English language to attend the wheel, the lookout, and a few such positions, not to exceed a dozen, fifteen, or twenty in all, while 210 of the sailors are Chinese. That is a line which the American people have been asked to subsidize.

The whole policy of this Government toward our merchant marine, in Congress after Congress and for decade after decade, for a generation of time, has been one of entire subserviency, in the executive department as well as in the legislative department, to the control of the great ship concerns.

The Senator from Ohio [Mr. BURTON] has quoted the Commissioner of Navigation several times. Did it ever occur to any of you gentlemen on the other side that the present Commissioner of Navigation has managed to weather several administrations? He was a newspaper man. I came into public life a mere boy when I was elected in 1884 to the House of Representatives. I may be wrong about this; I do not want to be unfair to anybody; but it is just my recollection that during those earlier years of my service I was told that this gentleman, Mr. Chamberlain, wrote an effusive biography of President Cleveland, and as a reward he was named to be Commissioner of Navigation.

If I had time I should like to present to the Senate the analysis I have made of his reports. They are interesting. I think he ought to be removed from office. He was for free ships under Cleveland. When a new administration which favored ship subsidies came in he faced about and in his reports was a vehement advocate of subsidies. He has trimmed and turned and twisted with every changing political wind to hold his job.

Study his reports! I have marked copies over in my room in the Senate Office Building. If time permitted I would like to

go through these reports, as I am sure Senators would find them entertaining and instructive. I can not now take the time. I have here a little synopsis. It would be interesting to you Democrats to see how the recommendations of this chameleon commissioner at all times fit into the interests of the shipowners all the way through.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I do.

Mr. THOMAS. I should like to inquire of the Senator from Wisconsin what the present attitude and policy of this gentleman is?

Mr. LA FOLLETTE. I will just give you a little skeleton of it. I am wandering somewhat away from the amendment that is pending.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. Certainly.

Mr. BORAH. I suppose his present attitude might be known by finding out what the attitude of the administration is?

Mr. LA FOLLETTE. There is not a bit of doubt about it. He has always been for the shipowners. He is always for the administration. He is always for his job. [Laughter.]

Now, while I can not take the time to thoroughly analyze his reports, I will read this synopsis which I have prepared:

THE COMMISSIONER OF NAVIGATION.

References to passages in the reports of the Commissioner of Navigation, Hon. E. T. Chamberlain. From 1894 to 1912. Dealing with free ships, subsidies, and legislation in regard to seamen.

Report of 1894, pages 27-28, et seq., discusses the decrease of American seamen and reasons. Favors free ships.

Report of 1895, on page 12, renews recommendation in favor of the free-ship bill.

On page 18, same report, the commissioner urges extension of the act admitting the *New York* and *Paris*.

On page 21, same report, strong condemnation of discriminating duties on foreign ships.

On page 27, same report, he condemns the prevalent method of *shipment of seamen*, and urges changes in the law and its administration in respect to the interference of saloon keepers and boarding-house keepers.

On page 31, same report, under the caption "*Allotment notes*," he condemns the system of permitting allotments of original creditor (advances) and regrets that the law of 1884, which prohibited advances, was not given a more extended trial.

Allotments to original creditors and imprisonment for desertion were abolished in the coastwise trade by the law of February 18, 1895.

On page 40, same report, the commissioner condemns *imprisonment of seamen for desertion in the United States*.

REPORT OF 1896.

On page 7, under caption "*The free-ship bill*," regrets the adverse report on this bill by the Senate committee, and refers to the former reports and reasons for the enactment of the law as being unimpaired.

On page 8 the recommendation for the extension of the act admitting the *New York* and *Paris* to American register is renewed.

On page 11 the arguments against *discriminating duties on shipping* are renewed and extended.

On page 17, under caption "*Subsidies*," there is a qualified indorsement of subsidies or bounties coupled on the next page with *free ships*.

During the session of Congress in 1896 the House passed a bill which abolished corporal punishment, imprisonment for desertion, and made sundry other beneficial amendments to the navigation laws. The Senate committee reported another bill, which did not do either.

On page 20, under caption "*All treatment of seamen*," there is a qualified indorsement of the House position.

On page 21, under caption "*Laws relating to seamen*," reports upon the differences between the House and the Senate committee on pending bills.

On pages 22, 23, and 24 he reports upon conferring with the New York shipping interests and prints the substance of the two reports, leaning to the Senate, which in this case was the shipowners' side.

On page 24, under caption "*Penalty for desertion*," he urges the repeal of imprisonment for desertion, but indorses the proposition that the men may be taken on board the vessel by force and compelled to fulfill the shipping contract.

On page 28, under caption "*Allotment of wages*," he urges that to abolish allotments entirely is too radical and gives indorsement to the Senate bill, which would permit the evil to continue in the foreign trade.

REPORT OF 1897.

On page 17, under caption "*Foreign subsidies*," foundation is first laid for a reversal by the commissioner of his former position.

On pages 28, 29, and following, he adversely criticizes the seamen's bill which had passed the House, and gives much space in showing that it would be unwise to enact such legislation, giving as his opinion on page 30 that any experimenting with it is inopportune.

Appendix 95, comparison of Frye-White bills and then existing law.

REPORT OF 1898.

On page 19, under caption "*Adverse conditions*," he lays a foundation for his support of *navigation bounties* on page 40.

The seamen's bill introduced by Senator White, of California, and in amended form agreed to by Senator Frye, had passed the Senate when this report was issued, and it received the commissioner's qualified approval.

On pages 57, 58, and 59, under captions "*Imprisonment for desertion*" and "*Allotment of wages*," he discusses what to him were apparent difficulties in the administration of the proposed law, and on page 69,

Appendix A, he prints the bill as passed by the Senate in parallel columns with the law as it then stood.

The House had not yet acted; its action came after this report.

REPORT OF 1890.

From page 11, "*Maritime growth of nations*," to page 76, "*Tonnage taxes for the year*," there is a continuous argument for subsidy with question raised as to the value of free ships, and suggesting that the two may very well be adopted. Comparative cost of food, pages 57-58.

On page 87, under caption "*Act of December 21, 1898*," he reports the passage of the act and greets it as boon to seamen, which if found good may influence the seamen under other flags favorably.

REPORT OF 1900.

From page 14, "*Instruments of ocean commerce*," to page 53, "*Hawaiian act*," runs an argument in favor of subsidy, showing its benefits in building up our shipping; the greater cost of building here and the greater cost of operating American vessels. Comparative wage cost is given in table printed on page 37. (The table does not give a really fair test, because the vessels are not in the same trade.)

On page 58, under caption "*Allotment of seamen's wages*," the commissioner reports that the law works well in so far as the wages of seamen is in question. He admits that the crimping evil rests upon the advance.

On page 60, under caption "*Boarding of vessels*," he recommends, or rather suggests, further restrictions on boarding of vessels. This is the beginning of an effort to restore compulsory service, because if none can board a vessel none can quit her if laying at anchor.

REPORT OF 1901.

This report from page 9 to page 64 is an argument for subsidy. On page 65 is a recommendation to abolish compulsory pilotage of sailing vessels in certain southern ports. Pages 37-38, comparison of wage cost, American and British vessels.

REPORT OF 1902.

On page 24, under caption "*Desertion of seamen*," he deals with the effect of the law of December 21, 1898, and comes to the conclusion that it should not be changed; on next page he reports that desertions are only about 2 per cent abroad.

On page 27, under caption "*Allotment notes*," he reports that the law restricting allotments in the foreign trade and its abolishment in the coasting trade has been beneficial and has reduced the crimping.

The report then goes on to deal with the nationality of crews, and on page 41 defends the use of Chinese.

The report further deals with wages, showing the higher wage cost on American vessels, resulting largely from the higher wage in ports of the United States, all being a further argument for subsidy.

REPORT OF 1903.

On page 27, "*Nationality of crews of American vessels*," with table of different nationalities. On page 28 and page 29 it deals with the act of December 21, 1898, as to allotments and desertions, and that the act is a success. Compares the number of desertions from foreign vessels and finds them greater. It again deals with subsidy on pages 48, 49, 50, 51.

REPORT OF 1904.

On page 23 recommends enactment of bill to inspect sailing vessels and barges to protect life and property at sea. On page 28, reports desertion rather decreasing; on page 29, on allotment notes, the application of law to foreign vessels beneficial. On page 31 reports upon the sail area as basis for manning of sailing vessels. Prosecution of crimps, page 30. (The bill as first introduced by you had then been introduced.)

REPORT OF 1905.

On page 7, under caption "*Legislation recommended*," several recommendations are made, closing with merchant marine commission bill, page 34.

REPORT OF 1906.

On page 16 again recommends *merchant marine commission bill*, part of which was a naval reserve under which seamen would become members in order to obtain employment, because the payment would come through the shipowners, and would mean a general reduction in wage to correspond. An argument for the bill is made at some length. (We were opposed.)

On page 39 desertion is again dealt with and reported as decreasing. On page 40 allotments are reported upon, showing that the number of notes issued are decreasing, hence no further law needed. (We were asking that all allotments to original creditors be abolished.) Further reports the enactment of *shanghaiing law*. (No convictions under this law.)

REPORT OF 1907.

On page 15, "*Profits of shipbuilding*," reports it unprofitable in the United States; on page 16 reports square-rigged vessels going out of use; and on pages 17 to 21 argues in favor of mail subsidy.

REPORT OF 1908.

On page 16 reports decrease in desertions; on page 17 reports decrease in allotment notes issued. "Appears to be accomplishing results anticipated by its advocates."

On pages 18 and 19 recommends extension of the ocean-mail act and the increase in the compensation or subsidy.

On page 25 reports that the President has created a commission to make recommendation for revising of navigation laws to better protect the lives of passengers and crews of vessels of the United States.

This commission, made up of officials, submitted a report and recommendations which failed of legislative action or support. They were of such nature and tenor that the enactment would have been of little or no value.

REPORT OF 1909.

Beginning on page 15, with "*Trade on ocean steamers*," and running to page 67 are reports and arguments in favor of subsidies in different form.

On page 68 *power of shipping commissioners* is continued, on page 69 with recommendation to make shipping before the commissioner mandatory on vessels voyaging 500 miles or more.

A bill known as the *Greene bill*, introduced by Mr. GREENE of Massachusetts, came before Congress. This bill, if enacted, would have restored imprisonment for quitting work in ports of the United States. It had the support of Mr. CHAMBERLAIN. It failed.

In this Congress, as at all other times, the commissioner appeared in opposition to the seamen's bill then introduced by Mr. Spight, of Mississippi.

REPORT OF 1910.

On page 7, under the caption "*Ocean-mail bill*," there is an indorsement of subsidy in the form of increased pay for carrying the mails.

On page 9 there is a recommendation that tolls to be collected from vessels passing through the Panama Canal shall be refunded to American vessels by the Treasury.

On page 19 desertion is again reported upon as decreasing, and on pages 20 and 21 the international petition for redress of grievances endured by seamen, adopted at a convention held in Copenhagen August 27, 1910, is commented on, and the imprisonment of seamen on American vessels in foreign ports for desertion is recommended; but there is no recommendation that the United States cease to arrest, detain, and surrender foreign seamen who have deserted from their vessels in the United States.

In the hearings granted on the seamen's bill by the committee of the House and the committee of the Senate in 1910, 1911, and 1912 the commissioner always appeared in opposition.

REPORT OF 1911.

On page 23 *ocean mail bill* is again urged and "earnestly recommended."

On page 24 *free ships for foreign trade* is urged with much force. He contends shipbuilding being unprofitable, ships should be bought.

On page 27 he urges *free materials for shipbuilding*.

On page 76 he recommends that statutes imposing imprisonment upon seamen for desertion in foreign ports be repealed, and that the allotment be retained.

In the hearings on the seamen's bill he had contended against any interference with the treaties which provide that seamen shall be mutually arrested, detained, and surrendered. Thus the seamen would leave the vessel under the law and be arrested under the treaty.

REPORT OF 1912.

On pages 19, 20, and 21 *safety of life at sea* is considered, and it is strongly advocated that no action be taken until after the international conference. The propriety of dealing with the questions of skill that was raised by the *Titanic* disaster without first consulting the other powers is seriously urged. He admits that foreign standards are higher than our own, but suggests that this rests upon military ideas.

On pages 25 and 26 he deals again with desertion and allotments, repeating former recommendations, but admitting that the abolition of the allotment system may be now experimented with.

On page 27 he deals with fore-castle space; recommends improvements; and on page 179 he reprints foreign rules about fore-castle space and hours of labor.

If I could take time to read in full these various reports, it would be a much more interesting recital; but I want to give my friends, particularly upon the other side, these references in order that they may be able to check up the record of this gentleman.

Mr. MARTINE of New Jersey. The Senator is certainly not addressing me?

Mr. LA FOLLETTE. Oh, no.

Mr. MARTINE of New Jersey. I am on this side, on the other side from the Senator; but I am frank to say that had I my way he would not be there 15 minutes. [Laughter.]

Mr. LA FOLLETTE. I think this recital may help you to get your way.

Mr. MARTINE of New Jersey. God help you!

Mr. LA FOLLETTE. In reading these recommendations you perhaps noted that with reference to legislation forbidding the giving of allotment notes the Commissioner of Navigation thought Congress too radical in making the law apply to foreign ships in our ports. You must remember that only about 10 per cent of our foreign trade is carried by vessels of this country, and 90 per cent of that trade comes into and goes from our harbors in foreign vessels. Senators should understand there can not be any reform, any progress in ameliorating the condition of our seamen or for increasing the safety of life at sea, unless the provisions of law are applicable to the foreign vessels that come into our ports. We can not control foreign vessels after they go to sea, but we can say in what condition they shall leave our ports. We have a right to deny their coming in at all, and we have a right to modify by statute either the provisions of international law or the provisions of any treaty. In the case of treaties the notice provisions should be observed and notice be given, as has been provided in this bill.

I want to say to you that you can not pass any effective measure affecting American seamen, American shipping interests, or the safety of life at sea unless that measure is made applicable to the foreign vessels that depart from our ports as well as to the American vessels.

I stop right where I am to say that American sailors on the vessels of our merchant marine, on the ships of the Jim Hill lines, and the Pacific Mail steamship lines that run to the Orient have been displaced by Chinese and Japanese because they can get them cheaper and board them cheaper, and that they will live under conditions that no American sailors will tolerate, but which puts more money in the pockets of the ship-owners. On the Atlantic coast our merchant marine is largely manned by Spaniards, Portuguese, Greeks, and Austrians. These men for the most part do not understand our language. On the Pacific we are training men in our merchant marine for what? To man the ships of war of the Japanese or Chinese Governments. We are training their men and we are taxing

our people to maintain training ships to train our boys. The minority report of the Committee on Naval Affairs of the House last year says that the American Navy at that time was 9,000 men short. We can not enlist them. The Navy issues its advertisements all over the country to tempt boys to enlist in the Navy. Trips to Panama are offered in alluring language. They are offered a chance to see the world. It does not tempt them. They will not enter the service and we are short of men. Every great sea power in the history of the world has drawn the men for its warships from its fisheries and its merchant marine. It has become almost axiomatic that you can measure the sea power of a nation by its commerce and its merchant marine.

I think even men who were chary about the element of protection in tariff measures affecting general pursuits would go further if the matter under consideration touched in some way our fisheries than they would as to almost any other class of American citizens. Why? Because, one and all, they recognize that we ought to have some source of supply, some recruiting ground for our Navy. But, yielding to these gentlemen who throng the gallery now, the men who have constituted the shipping lobby for many years, the men who have delayed action session after session, we have so shaped our legislation as to drive American sailors from American ships and to keep our young men from going to sea and getting the training to fit them for the service.

The only Americans who are left in the merchant marine are those who have such love for the sea that they would not be driven from it; they would not give it up; they could not see entirely disappear that which had been an ancient and honorable calling, and which, by its sentiment and the elements which appeal to the emotions of certain men, has from the very beginning of organized society sent men out of their communities to sail the seas.

There was a band of American seamen left after all these years of defeat and disappointment and baffling and betrayal. Their ranks kept thinning, but there were some of them who held on. There was this man, Andrew Furuseth. I have known him, almost. I was going to say, ever since I have been in the Senate. I have seen old lines plowed deeper and new lines deepen in his face in just that time. He is a Norwegian by birth. He loves the sea. He is a perfect sailor. He was referred to by the Senator from Ohio here the other day as "a man who had been on pay." Let me tell you that he lived in a dry-goods box when he was trying to wring from you and your associates some legislation. To liberate his associates from bondage he lived, and lives now, on the common fare of a sailor. Although he is president of the American Sailors' Union, he will take from his union no more pay than that which the common sailor receives. That is what he is doing here; and he and a few thousand like him have saved a nucleus of American seamen to preserve its traditions and around which may be builded a merchant marine of strong, powerful, and skilled sailors.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. Certainly.

Mr. WILLIAMS. I want to interrupt the Senator from Wisconsin just long enough to say that I am informed, and I believe, that Mr. Furuseth has never received any pay of any sort except what he himself agreed to take, in spite of very much higher offers, from the sailors' union—a sailor's pay. How much a sailor's pay amounts to I do not know accurately. It amounts to his board, it amounts to his food, and it amounts to some \$13 a month, I believe; but I do not know exactly what it is.

I want to say further, that long before the Senator from Wisconsin knew Mr. Furuseth I knew him, as Democratic floor leader in the House of Representatives. When he first came to me I tried to sidetrack the thing he wanted me to do, with the natural inclination which every man has with plenty to do, to keep from taking on any new tasks. I found out afterwards that the man was not only representing a real interest of humanity, but that he was representing it fairly. In talking to me he always tried to take care of the interests of the shipowners as well as the interests of the sailors. Of course, he did not always do that perfectly, because he was a sailor, and his bias was in the other direction, just as I, in questions between North and South, might not be perfectly impartial, although I try to be; but he has succeeded in being wonderfully impartial, considering it all.

I do not think any compliment is too high to be paid to any man who comes to Washington, not as a common paid lobbyist,

but as a representative of a real interest of humanity and of laboring people.

As far as I have learned, Mr. Furuseth has kept in view these three things: The public interest, the shipowners' interest, and the sailors' interest. Of course he has been now and then a bit blind to the shipowners' interest, because he could not help it, but he has never been blind to the public interest. He has never been blind to the humanitarian interest involved in this matter.

What the Senator from Wisconsin is trying to do to-day is in the main what Furuseth has been trying to do for some 14 years, as far back as I can remember, and something that I have sympathized with for a long time.

I want to say this further, if the Senator will pardon me—

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. WILLIAMS. Of course, a ship at sea must be under an arbitrary government. The captain and commander must have the power of life and death, if necessary, because there is nothing between the ship and God, nothing between the ship and heaven or hell except the deep blue sea; and in order to take care of what is aboard the captain must have absolute, despotic, and arbitrary power.

It strikes me as curious that men, in consequence of that premise, come to the conclusion that there ought to be absolute, arbitrary, and despotic power when the vessel reaches the land. The contrary is true. To offset the absolute and despotic power that is necessary at sea, sailormen ought to have larger liberties on land than any other class of men in the world, and a larger opportunity to go to courts of justice and to say what their grievances are. If they are true sailormen and loyal sailormen, loyal to their business, loyal to their ship, loyal to their pursuit, they will make no complaints at sea except those that are made in the regular routine way, through their immediate superior officers. So the really loyal man at sea subordinates himself to the ship, and must do it; and when he reaches land, by George, it is not very wrong to have the ship subordinated to him for a little while.

Mr. LA FOLLETTE. I was very glad indeed to yield to my friend from Mississippi to pay this splendid tribute to Andrew Furuseth.

We now come, Mr. President, to another test of corporate power arrayed against human rights. It is worth while, Mr. President, to briefly review the long struggle to bring this vital question to issue before the Senate of the United States.

Twenty years ago several thousand white men appealed to Congress to be made free. They were American citizens, but they were slaves. They were bone of our bone and flesh of our flesh, yet they were bought and sold as property. Their work involved the greatest hazard. It called for spirit and courage and devotion. Life and property were committed to their skill and their fidelity. Their business required them to endure every hardship, and on the instant, at the command of their masters, to sacrifice themselves to save others or to preserve the property of their owners.

They were American sailors. Their calling was an ancient and honorable one. But the greed of great steamship companies and great shipowners and their power and influence with Congress had wrought such changes in our maritime laws that no sailor could secure employment unless he bound himself by contract to a service which made him the property of the ship in which he sailed. He was compelled to sign away a part of his wages in advance before he was accepted by his master. Once signed, the contract chained him to the ship. No matter how imposed upon, there was no escape during the term of the contract.

If he found that the vessel was overloaded, or that there were not men enough to safely man the ship or that they were so unskilled as to make destruction imminent every hour after she put to sea and he failed to appear at the appointed time, or if he left her even when she was in a safe port, under the barbarous laws enacted by a Congress ready to do the behest of the shipowners our representatives in foreign countries were made slave catchers and he could be seized and imprisoned on the orders of the ship's master.

Thousands of these brave, high-spirited men, who loved the life, turned their backs upon the sea and sought employment on land. Their places were filled by men willing to accept slavery—men from the Mediterranean, from Arabia, India, South Africa, China, and Japan. They were cheap men. The steamship companies wanted cheap men—men who would work for low wages and live on cheap fare.

The shipowners secured from a willing Congress legislation limiting their liability to passengers and to the owners of freight and cargo. With heavy insurance on the ship, paid by the public in excessive and unrestricted charges for the

transportation of passengers and freight, the loss of a ship at sea became a matter of less and less concern to steamship companies and shipowners. What mattered it to them that the sailors were inferior in character and intelligence? What mattered it to them that there were not half enough lifeboats to provide for passengers and sailors? What mattered it to them that the crew were unskilled in handling lifeboats or required, even in an hour of supreme peril, the services of interpreters to make known the orders of the captain? *Their liability was strictly limited by the laws of Congress.*

But, Mr. President, a few thousand American seamen refused to abandon the sea. They believed that Congress would free them from their bondage; that through legislation the working hours and conditions generally would be regulated so that real men would seek the service; that their vocation would be restored to the dignity due a calling full of sacrifice and hazard; and that a standard of skill and efficiency would be established which would make it possible to save life at sea when disaster overtakes a ship on her voyage.

These American seamen did not understand the power of the steamship companies with the American Congress. They understand it now. Their bill has been introduced and reintroduced. There have been endless hearings and delays ingeniously planned. Again and again the bill has been smothered in committee. Sometimes it has been reported to die upon the calendar.

But the plucky seamen fought on. It was an uneven fight—the sailors without funds; the shipowners with unlimited wealth, represented by a powerful lobby always on the ground.

Finally, in the last Congress, the House passed the seamen's bill. It was an excellent measure. It abolished the fugitive-slave law now operating on seamen. It gave the sailor the same freedom as to his contracts of service which the law gives to other workers. It established a standard of skill for "able seamen." It required a sufficient number of able seamen to safely man a vessel. It required that 75 per cent of the crew should be able to understand any orders given by the officers of the vessel. It required a sufficient crew to man each lifeboat, with not less than two able seamen to each lifeboat, drilled under rules prescribed by a board of supervising inspectors with the approval of the Secretary of Commerce and Labor.

The Committee on Commerce struck out every line of that bill and reported a substitute which gave to the seamen a stone when they had begged for bread. As reported it would have driven every remaining white sailor from the sea. It was considered and passed in the expiring hours of the last Congress. I urged a number of amendments and secured the adoption of several, working some improvement in the bill. As passed it was a weak, inefficient, compromising measure. In some of its most important provisions it was less acceptable to seamen than the harsh terms of the existing law. President Taft vetoed it, not because he thought its worst provisions bad but because he thought its best provisions bad.

President Wilson was elected upon a platform which contained the following pledge:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

Mr. President, I intend to show that the bill reported by the committee fails to carry out the promises made to the seamen.

A critical examination of Senate bill 136 will show that wherever it grants some relief to seamen, or makes some concession in favor of greater safety for travelers, it modifies by proviso, and sometimes leaves the situation both as to sailors and the public in worse condition than before.

For example, in sections 4 and 5 a seaman is entitled, upon demand, to one-half of his wages at every port where the vessel stops to discharge or load cargo. This is made inoperative on the Lakes and on coastwise vessels by the following:

Provided, That the wages earned during the first five days shall not be subject to demand prior to the completion of the voyage or expiration of the contract.

No matter in what condition the sailor finds himself after having shipped for a voyage on the Great Lakes or in the coastwise trade—he may find the vessel so overloaded or so unseaworthy or so badly manned as regards the men shipped with him that his life is in peril, and would gladly surrender one-half of his wages to escape the hazard—he is nevertheless chained to the vessel to the extent, at least, of losing all his wages should he quit the vessel. So this concession, which

seems to promise something to the sailor, is destroyed of its value as applied to vessels on the Great Lakes or coastwise trade.

But the committee went further and added this:

Provided, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies.

This practically destroys its application altogether, for the sailor would never be in a position to know by whom the vessel is owned. And when the helplessness of the sailor's situation in such a controversy is considered it will readily be seen that it wholly destroys the value of the concession which the section professes to make to the sailor.

Section 2, lines 18 and 19, page 2, provides that—

while the vessel is in safe harbor no seaman shall be required to do any unnecessary work on Sundays and the following legal holidays * * *

On line 23, page 2, is this language:

This provision shall not prevent doing work necessary to dispatch of vessels on regular schedule.

"Work necessary to dispatch of vessels" would include all kinds of work done on board a vessel, including the handling of cargo.

On page 3, line 1, is this language:

While the vessel is in a safe harbor nine hours, inclusive of anchor watch, shall constitute a day's work.

Then comes the fatal proviso:

But this section shall not apply * * * to vessels of less than 300 tons gross, or vessels whose regular schedule between terminal ports does not exceed 24 hours: *Provided, That no member of the crew shall be required to be on duty more than 12 hours, except in cases of emergency.*

It promises 9 hours, but really establishes a 12-hour day, because 12 hours is made the limit.

Section 7 provides 120 cubic feet of air space and 18 square feet on the floor for each man in the fore-castle, but on page 7, line 10, is a proviso that the space may be reduced 20 per cent in case separate space is provided for mess room, so that it reduces the space per man below the requirements fixed in the substitute.

On page 8, lines 21 and 22, and further, it provides for "one light, clean, and properly ventilated wash room," with other proper requirements, but on line 22 it provides that this shall only be furnished if there be twenty or more sailors.

Any boat with a deck crew of twenty or more, exclusive of licensed officers, is a very large vessel. At present there are not more than 10 or 12 such vessels in the merchant marine of the United States.

In section 10, page 13, provision is made for the arrest of any officer who applies corporal punishment to any seaman, and that the master shall turn such offender over to the proper authorities on arrival at port. If the master fails in this, the seaman may recover damages from the master or the vessel, "provided he (master) has actual knowledge of the misdemeanor, or complaint thereof is made within three days after coming into port."

Section 8, section 17, and section 18 give to the seaman the right to quit the vessel, but section 12, page 15, has the following, on line 15:

Any person who * * * or shall, by any threat or force dissuade or prevent, or endeavor to dissuade or prevent, any person from taking employment on board any vessel, or shall, by threat or force, dissuade or prevent, or endeavor to dissuade or prevent, any person from remaining in the service of any vessel on which he has shipped, or by threat or force induce or compel any person to disregard or disobey any lawful orders of the master or other licensed officer of the vessel on which he is shipped, shall for every such offense be deemed guilty of a misdemeanor, and shall be imprisoned for not more than six months or fined not more than \$500.

Under this provision any seaman or other person inducing a man to leave a vessel may be arrested and detained until the United States grand jury meets and, if indictment is found, until trial. The seaman would stay in prison because, being a stranger, he could get no bail.

Paragraphs 4 and 5 of section 8, on page 11, provide proper penalties for any disobedience at sea, and section 445, page 436, Navigation Laws of 1911, provides penalties for endeavoring to stir a revolt or mutiny on board such vessel, and for any person who combines, conspires, or confederates with any person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof. This is part of the mutiny section and applies at sea, so that the proviso in section 12 which I have cited will have application or be intended to have application in harbor, and thus it will destroy the value and purpose of section 8, section 17, and section 18, which aim to give the seamen liberty.

Section 14, on page 18, from lines 8 to and inclusive of line 13, provides that 75 per cent of the crew in each department thereof shall understand the language of the officer of the vessel; and in lines 14 to 22, page 18, provides that this shall not apply if there are a number of interpreters, equal to the number of lifeboats, who understand the language of the officers and the crew.

This is a statutory elimination or repeal of the decision in re Pacific Mail Steamship Co., volume 64, page 410, where the court of appeals held that the vessel manned with such a crew as described in this proviso is not entitled to the benefit of limited liability.

This proviso, if enacted, would leave the seamen and the passengers without that protection to life which comes from prompt understanding and execution of orders.

On page 18, lines 23 to 26, provision is made for two lifeboat hands; and on page 19, lines 3 to 9, a standard of their efficiency is provided. According to these alleged standards the men may come from the deck, from the fireroom, from the saloon, or from shore. Nothing but an exhibition drill is required to determine efficiency, and no more than two such men are required for each lifeboat, the crew of which, according to its size, is from five to nine. This standard of skill is below the existing standard. If enacted, it will protect the shipowner at the expense of the seaman and the traveling public.

Mr. BACON and Mr. STONE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do, for a question.

Mr. STONE. The time is nearly up. One thing that troubles me about this bill relates to treaties.

Mr. LA FOLLETTE. Yes; I will come to that in a minute.

Mr. STONE. Does the Senator mean to cover that?

Mr. LA FOLLETTE. I do.

Mr. BACON. Mr. President, I did not anticipate that I would not have an opportunity to say a word in reference to the amendment I have offered. I should like to have the Senator give me a few minutes before 4 o'clock.

Mr. LA FOLLETTE. Mr. President, I wanted a moment or two to devote to that subject myself. The Senator spoke for nearly an hour on that subject last night, and I supposed he had pretty fully discussed it.

Mr. BACON. I have had nothing to say about my amendment.

Mr. LA FOLLETTE. I interrupted the Senator last night, but as he did not seem disposed to yield, I said I would defer what I had to say until later. I should like to say just a word or two about the treaties.

Mr. BURTON. Mr. President, I should like also to have a few minutes in which to address the Senate—

Mr. LA FOLLETTE. Mr. President, I have no doubt that is so. The Senator from Ohio has had only about six or eight hours of the time that has been taken in the debate on this bill.

Mr. BURTON. The Senator from Wisconsin has made some rather startling statements here at the end of the discussion, about which I should like to be heard.

Mr. LA FOLLETTE. It is the only opportunity I have had to get in, on account of the time the Senator from Ohio has had the floor.

Mr. BURTON. The Senator from Georgia also wishes—

Mr. LA FOLLETTE. Mr. President, I will not yield just at this moment.

The VICE PRESIDENT. The Senator from Wisconsin is entitled to the floor.

Mr. LA FOLLETTE. I will yield before 4 o'clock, if I can do so.

I want to say this, Mr. President: The Senator from Ohio has made assertions regarding the standard of efficiency which this bill sets up and which the proposed substitute sets up—that is, three years on deck at sea or upon the Great Lakes. He has asserted again and again that it was a ridiculous standard, a preposterous standard, an unreasonable standard, and I think I would not misquote him if I said he had asserted that there was no other country in the world except Australia that prescribed it.

Mr. President, I do not want to take the time to present the matter I have here if I can avoid it. I will simply say that Great Britain prescribes on passenger and emigrant steamers a higher and more rigorous standard of efficiency, in which is incorporated the provision that so many of the men shall be able seamen, and in which it is provided that the able seamen shall have had three years on deck at sea.

Mr. BURTON. Mr. President, I should be very glad if the Senator from Wisconsin would publish his material and give it to the Senate.

Mr. LA FOLLETTE. The Senator from Ohio makes that suggestion as though I did not have it. I have it in my hand, and I think the Senator from Ohio knows I have it, and knows that it is the law in England.

Mr. BURTON. No, sir.

Mr. LA FOLLETTE. It is not true? The board of trade have been authorized by Parliament to prescribe these regulations and have prescribed them, and I have them here and will give them.

Mr. BURTON. The Senator from Wisconsin had best print them, I think.

Mr. LA FOLLETTE. I will print them; and I will print something else.

Mr. BURTON. On passenger ships there may be regulations of that kind—

Mr. LA FOLLETTE. The regulations prevail as to the trade just exactly as I stated them.

Mr. BURTON. There are no general regulations except in Australia.

Mr. LA FOLLETTE. The Senator is now beginning to evade and quibble. Mr. President, I want to correct another misstatement of his, and that is this: He stated on yesterday that in the first section of this bill there was an amendment of the Hardy law. It is not true. The Hardy law is an amendment of another section of the statute, and not of the section of the statute amended in the first section of this bill. I will put into the Record the exact fact with respect to that, and I will say this: Mr. HARDY was not only the man who reported the Hardy bill, but he was the man who reported this bill from the committee.

Mr. BURTON. Does the Senator mean to say that this relates to the time of service of the men?

Mr. LA FOLLETTE. Just a moment. I say the Hardy Act relates to officers, and this relates to seamen; you must own it; one is dealt with in one section of the statute and the other in another section of the statute.

Mr. BURTON. Put the statutes side by side.

Mr. LA FOLLETTE. I do not yield, Mr. President.

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I will put in the Record the statutes, the provisions of the English statutes and the regulations issued under them are as follows:

Paragraph 713 of the merchant shipping act of 1894, as published in the Merchant Shipping Act, issued by Eyre & Spottiswoode (Ltd.), Government and general booksellers, London, 1908, reads:

713. The board of trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorized to carry into execution the provisions of this act and of all acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those acts, or except so far as those acts relate to the revenue.

Other paragraphs compel consular and customs officers abroad, marine boards, and superintendents to make and send reports to the board of trade, and such returns or reports on any matter relating to British shipping or seamen as the board may require, and empowers the board to compel the production of log books and other documents, and to take any legal proceedings under the act. The board of trade may appoint and remove surveyors of ships and fix their remuneration.

Section 459 of the merchant shipping act of 1894 provided that where a British ship in a port of Great Britain is an unsafe ship by reason of enumerated defects, the board of trade can detain such ship. By the merchant shipping act of 1897 this law was amended so as to include among the reasons for detention the words "or by reason of undermanning."

The provisions applicable to British ships were made applicable to foreign vessels.

[From the merchant shipping act, fourth edition, published 1908, p. 287, sec. 462.]

462. Where a foreign ship at a port in the United Kingdom is unsafe, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading, or improper loading, or by reason of undermanning, the provisions of this part of this act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:

I. A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;

II. Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the board of trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the board of trade shall cause the ship to be detained or released accordingly, but if they differ the board of trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a

court of survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and

III. Where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the board of trade.

I desire also to place in the RECORD a quotation from the British rules applying to foreign-going passenger steamers leaving the ports of Great Britain. This quotation is from a publication ordered by the House of Commons and is signed by Sydney Buxton, president of the British Board of Trade. This document is headed as follows:

LIFE-SAVING APPLIANCES.

Rules made by the board of trade under section 427 of the merchant shipping act, 1894, at the council chamber, Whitehall, this 17th day of January, 1913.

Present: The Right Hon. Sydney Charles Buxton, M. P.

In pursuance of the provisions of section 427 of the merchant shipping act, 1894, the board of trade do hereby make the following rules relating to life-saving appliances, in substitution for the rules dated 10th February, 1902, 24th May, 1909, 19th April, 1910, and 14th June, 1911; and do hereby direct that these rules shall come into operation on the 1st day of March, 1913.

SYDNEY BUXTON.

The quotation which I wish inserted in the RECORD from this document is as follows:

FOREIGN-GOING.

CLASS I.

Rules for foreign-going passenger steamers, including emigrant ships.

Rule A: A ship of this class shall carry lifeboats in such number and of such capacity as shall be sufficient to accommodate the total number of persons which is carried or which the ship is certified to carry, whichever number is the greater.

The master or owner of a ship of this class claiming to carry on any voyage fewer lifeboats than will provide sufficient accommodation for all the persons for which the ship is certified must declare before the collector or other officer of customs before the time of clearance that the lifeboats actually carried will be sufficient to accommodate all persons that will be carried at any time during the voyage to foreign ports and the voyage back to the United Kingdom.

I also desire to insert in the RECORD the rules made by the board of trade in conformity with the authorization provided for in the merchant shipping act. These are as follows:

Extracts from the instructions relating to emigrant ships issued by the British Board of Trade and published in 1911.

Manning.

Crew: Every emigrant ship must be manned with an efficient crew to the satisfaction of the emigration officer, and the following rules will assist the emigration officer in securing compliance with this requirement.

Deck hands: In steamships deck hands should be carried in accordance with the following scale, which is based on the total boat and raft capacity with which the ship is required to be provided under the statutory rules relating to life-saving appliances:

Total capacity of boats and rafts required under the life-saving appliances rules.	Number of deck hands to be carried.
Under 2,500 cubic feet.....	24
2,500 and under 2,900.....	25
2,900 and under 3,300.....	26
3,300 and under 3,700.....	27
3,700 and under 4,100.....	28
4,100 and under 4,500.....	29
4,500 and under 4,900.....	30
4,900 and under 5,300.....	31
5,300 and under 5,700.....	32
5,700 and under 6,100.....	33
6,100 and under 6,500.....	34
6,500 and under 6,900.....	35
6,900 and under 7,300.....	36
7,300 and under 7,700.....	38
7,700 and under 8,100.....	40
8,100 and under 8,500.....	42
8,500 and under 8,900.....	44
8,900 and under 9,300.....	46
9,300 and under 9,700.....	48

The term "deck hands" means the master and the mates and all bona fide able-bodied seamen. The carpenter, boatswain, quartermasters, lamp trimmer, and other petty officers who have served or are fit to serve in the capacity of A. B., may be regarded as bona fide able-bodied seamen for this purpose. Of the total number of deck hands carried one in five may be an ordinary seaman, and two boys may be taken in place of each ordinary seaman so allowed. One cook and one steward may be reckoned as bona fide able-bodied seamen if they produce proof that they have served as A. B.'s and the emigration officer is satisfied by actual trial that they can pull an oar and are fit to serve in that rating. Tradesmen, such as joiners, etc., are not to be counted.

In the case of vessels having such a number of passengers as to necessitate the carrying of the maximum boat capacity, sufficient only for the number of persons carried on that particular voyage, the scale should be applied in the following manner: Add to the number of passengers to be carried the total number of crew, calculating the deck hands at a minimum of 25 men, then allow 10 cubic feet of boat capacity for each statute adult, and the result will be the boat-capacity figure in the manning table to be used for that voyage. For example, if there are 300 passengers and a crew of 90, including 25 deck hands, the number will be 390 and the boat capacity 390; the number of deck hands required for this boat capacity in the scale is 28.

The scale should be applied in all cases, unless the board of trade have previously allowed the ship under similar circumstances to clear with a smaller number of deck hands.

The Commissioner of Navigation must have had a copy of this document in his office when, last winter, he made the statements which misled the Senator from Ohio [Mr. BURTON] and caused him repeatedly to assert that no nation had such regulations.

Any statement that the first section of the pending bill will repeal the Hardy Act is an error. The Hardy Act amended section 4463 and added to that section provisions with respect to the licensing of officers, the establishment of three watches for mates, determining the number of officers which vessels shall carry, and fixing a penalty for an officer taking charge of a watch immediately after leaving a port, unless he has had at least 6 hours off duty within the 12 hours immediately preceding the time of sailing.

Section 4463 provides that if a vessel—

is deprived of the services of any number of the crew, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage.

Section 4463 deals with the officers, not the crew, and section 1 of this bill in no way contravenes the provision of section 4463 as amended by the Hardy Act. Section 4463 provides for the number of officers and fixes their hours of labor; section 1 of this bill fixes the hours of labor of the men. In one particular the two sections are almost identical in language, as section 1 of this bill provides that in case of desertion, and so forth—

The master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill.

I shall ask to have inserted in parallel columns in the RECORD the Hardy Act and section 1 of the substitute bill, so that Senators can see at a glance that this bill in no wise modifies or changes the Hardy Act.

HARDY ACT.

(Public—No. 420.)

An act (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States.

Be it enacted, etc., That section 4463 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector, and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

If any such vessel is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew to the local inspectors within 12 hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty

SECTION 1 OF THE PENDING BILL.

Be it enacted, etc., That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. And in all merchant vessels of the United States of more than 100 tons gross the sailors shall, while at sea, be divided into at least two and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty alternately for the performance of ordinary work incident to the sailing and management of the vessel, and seamen serving in one department of a vessel shall not be required to do duty in another department; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor nine hours, inclusive of the anchor watch, shall constitute a

HARDY ACT—continued.

of \$50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of \$100, or, in case of an insufficient number of licensed officers, to a penalty of \$500."

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

That every such vessel of 1,000 gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than 400 miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of 200 gross tons and less than 1,000 gross tons, propelled by machinery, shall have two licensed mates.

That every such vessel of 100 gross tons and under 200 gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds 24 hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June 9, 1910.

SEC. 3. That it shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least 6 hours off duty within the 12 hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed 9 hours of any 24 while in port, including the date of arrival, or more than 12 hours of any 24 at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

Approved, March 3, 1913.

Now, Mr. President, just one word about the treaties. This bill proposes changes in our laws which will change the conventions or treaties with nearly all of the maritime nations with which we have treaties; but as to foreign ships it makes no change for one year, or until the notice provision of the treaty has been complied with. It provides time enough—90 days' notice to those countries by the President—for making the amendments in accordance with the provisions in those treaties for amendments.

Mr. BACON. Will the Senator let me ask him a question?

Mr. LA FOLLETTE. Yes, sir.

Mr. BACON. Is there any treaty the Senator knows of where there is any provision for giving notice of abrogation—

Mr. LA FOLLETTE. There is a German treaty. That is one.

Mr. BACON. The Senator has not heard my question.

Mr. LA FOLLETTE. I am in a hurry.

SECTION 1 OF PENDING BILL—contd.

day's work. Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned. But this section shall not apply to fishing or whaling vessels or yachts."

Mr. BACON. Is there a provision which looks to the notice of the abrogation of a part of the treaty—not the whole treaty?

Mr. LA FOLLETTE. No, Mr. President; and if men of sense they will understand that it is that part of the treaty affected that must be modified, and if they want the other portions of the treaty to go on, as men of reason and common sense, representing their Governments, they can easily come together with the representatives of our Government; their minds can meet.

Mr. BACON. The Senator will recognize—

Mr. LA FOLLETTE. The German treaty, to which the Senator referred and on which he has laid so much stress—

The VICE PRESIDENT. The hour of 4 o'clock has arrived.

Mr. BACON. The Senator does not say—

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the pending question is on the amendment offered by the Senator from Ohio to the amendment proposed as a substitute by the Senator from Wisconsin.

Mr. LA FOLLETTE. May I make a request as to the publication of some matter? If it is proper to do it, I want to do it; if it is not, I will not ask to do it.

Mr. VARDAMAN and others. Do it afterwards.

Mr. LA FOLLETTE. Very well; I will defer it. I want to get in the entire Chamberlain record; that is all.

Mr. LA FOLLETTE subsequently said: I ask unanimous consent to have incorporated in my remarks certain data which I will furnish.

The VICE PRESIDENT. Without objection, the request of the Senator will be complied with.

Mr. LA FOLLETTE. I present two cablegrams and a telegram:

LONDON, October 21, 1913.

FURUSETH.

National Hotel, Washington:

Great opposition being worked up here by shipowners against your seamen's bill. We are making our side heard. I am to take part as delegate at international seamen's conference. Pleased you are coming. Have wired LA FOLLETTE in favor of bill.

HAVELOCK WILSON.

LONDON, October 21, 1913.

Senator LA FOLLETTE, Washington:

Seamen in every port of Great Britain urge the passing of seamen's bill, as they are of opinion it will do much to ameliorate the condition of seamen throughout the world.

HAVELOCK WILSON,

President Seamen's Union, Great Britain.

WATERTOWN, S. DAK., October 21, 1913.

Hon. R. M. LA FOLLETTE,

United States Senate, Washington, D. C.:

Accept hearty congratulations on your magnificent fight for a humane seamen's law. Our flag would float on more ships if our American seamen were treated as American citizens have a right to demand. My best wishes for your success.

H. L. LOUCKS.

I present an important letter descriptive of a recent sea experience of Arthur M. Churchill, now of Portland, Oreg., but until recently an attorney of this city and well known to many Senators on this floor. The letter is as follows:

YOUNG'S HOTEL,
Boston, October 20, 1913.

Hon. ROBERT M. LA FOLLETTE,

United States Senate, Washington, D. C.

DEAR SIR: Saturday evening's Transcript states that your seamen's bill will be voted on not later than Thursday. I hope this letter may be in time for your use. The experience which I relate below occurred only three days ago, and, in my opinion, should by itself be sufficient to convince the most doubting of the urgent need of the immediate enforcement of at least one provision of your bill. I refer to the clause requiring at least 75 per cent of a ship's crew to understand the language of the officers.

I was a passenger on the Cunard liner *Icarnia*, which arrived in New York from the Mediterranean last Friday afternoon. At about 8 a. m., while we were approaching Ambrose Channel Light, a steward jumped overboard. The word was passed to the bridge at once and the ship was brought about as rapidly as her speed and the difficulty of making a quick turn permitted. Meantime a small boat with a crew of about eight men was lowered to within 10 feet of the water and made ready for use the moment field glasses on the bridge could pick up any object floating in the water. The weather, I should add, was perfect and the sea quite calm.

After 20 minutes or half an hour the man was seen, and the order came to get the boat away. But, as my information stands, our crew were largely Hungarians. My recollection is that I was told we had only about 10 good English sailors out of a crew of 50 seamen. In any event, the man having in charge the tackle at the stern of the small boat began lowering away much faster than the man at the bow. Officers and men alike shouted at him, and there was time enough to have saved the situation a dozen times. But he couldn't understand any English, and the more they shouted the more confused he seemed to become. In a moment more the boat was dangling end up from one of the davits, and the crew were hanging for their lives to the ropes from the ship above. Whether some other Hungarian who was stationed above couldn't speak English enough to tell the officers what had happened I do not know. At any rate, the propellers were kept going for some 10 or 15 minutes after that. One sailor dropped off, was swept

under the screw, and never seen again. Another was dragged along at a clipping pace under water for some 10 minutes. Only the fact that he had a grip of iron and many years of sea experience saved him. And the New York Times of the next morning (front page) says the captain was not aware that the seamen were overboard.

Meantime another boat, manned by English sailors, got away without the slightest difficulty. But so much time had been lost that the body of the steward was likewise no longer to be seen, and after cruising around for some time there was no course left but to abandon the search.

If the loss of this sailor's life seemed otherwise so needless, it taught some 2,300 of passengers and crew aboard that ship one thing, namely, that all the lifeboats in the world are useless if your crews are inefficient and can't understand orders of the officers. The *Ivernia's* decks, under the recent orders of the board of trade, were so littered up with lifeboats and liferafts that one could scarcely see the ocean at all. Promenade room was almost nonexistent and space for steamer chairs at a premium, with only 130 first-class passengers aboard. But we slept at night in the fancied security that if the decks were uncomfortable at least there were plenty of lifeboats if anything happened.

Friday morning's accident taught us differently. After witnessing the attempt to launch that small boat passengers and crew alike came. I think, to realize that Providence and the *Ivernia's* splendid seaworthiness had been our only safeguards. We might as well have pitched the lifeboats overboard and had plenty of deck space for all the use they would have been in time of emergency with a crew like that. We had had seven days of continuous gale in crossing. If they couldn't launch that boat under the conditions described, what would they have done with 30 or 50 boats in a raging sea in case of such a fire as destroyed the *Volturno* or under the excitement of a collision in a fog?

The objections of English shipowners to your bill on the ground that an insignificant part of the shipping affected is American owned seems to me absurd. I notice that English-owned ships have no objection to accepting good American dollars for trans-Atlantic passage, holding out the assurance that every precaution against danger has been taken. And the trans-Atlantic passenger traffic, in the first cabin at least, is, in my observation, very largely of Americans. To take the position that under these conditions the United States is impertinent in interfering seems to me rather untenable, to use a mild expression.

I have not had opportunity to study the remaining provisions of your bill, but if they possess equal merit with the clause referred to I hope and believe they will receive a unanimous support.

With best wishes for your success, I am,

Very truly, yours, **ARTHUR M. CHURCHILL.**
Home address: 809 Chamber of Commerce, Portland, Oreg.

I also present a letter of Gus Brown, a Swedish sailor, an able seaman of 12 or 15 years' standing. He sailed as quartermaster on the ocean for years, and as wheelsman on the Great

Lakes. He is now the agent of the Eastern and Gulf Sailors' Association. It is his duty in part to give protection to sailors and aid them in securing occupation.

He was requested by Mr. Andrew Furuseth, well known to many of the Members of the Senate, to interview sailors belonging to the crew of the *Volturno*, whenever any of them reached New York, to procure their statements as to the character of the crew and any facts bearing upon the disaster which might be pertinent to this legislation, and to report their statements to Mr. Furuseth. His letter is as follows:

EASTERN AND GULF SAILORS' ASSOCIATION (INC.),
New York, October 18, 1913.

MY DEAR MR. FURUSETH: Your letter received. In regard to the first, I may say that I tried very hard to get the carpenter, boatswain, one sailor, and one of the stokers to give a statement as to the way the lifeboats were handled during the disaster. These men all agreed that there was not enough efficient men aboard to man the boats. The *Volturno* carried 8 able seamen, 2 ordinary, 4 quartermasters, 2 boatswains, and 2 carpenters. Nineteen lifeboats were carried in double rows on the top deck. One half of the deck crew were burned to death; they never had a chance to escape. The other half were fighting the fire in No. 1 hold. The firemen were kept in the stokehold keeping up steam and fighting the fire in the bunkers. The heat was terrific and all the firemen took turns about of 15 minutes each at their post. The steward's department was left to handle the lifeboats and the passengers, with the result that you have heard about. Only one boat got away, the one the second mate was in charge of and manned by two A. B.'s, one fireman, and the steward.

The steward's department consisted of men with hardly any experience at all and unable to speak and understand the English language. Two or three men of the stokehold crew knew how to handle boats. The boat drill on the previous Saturday, the only one they had, merely amounted to showing the men their stations; no boats were swung out, none were lowered. At the time of the accident the wind was blowing 40 to 45 miles an hour.

Yours, fraternally,

GUS BROWN.

I also present to be printed in three parallel columns, so as to show at a glance the difference between the three bills, a summary of the provisions of the bill introduced by the Senator from Minnesota [Mr. NELSON] and reported by the committee, a summary of the bill introduced by the Senator from Ohio [Mr. BURTON], and of the substitute which I introduced. It is as follows:

LA FOLLETTE SUBSTITUTE.

Section 1 provides at least two watches for the sailors at sea.

Three watches for the firemen, oilers, and water-tenders at sea. That seamen serving in one department be not required to do duty in another department.

Nine-hour workday in port.

No unnecessary work on Sundays or legal holidays, but this not to prevent the dispatch of a vessel.

Section 2. Seamen in coastwise trade entitled to wages within two days after termination of agreement or at the time of discharge. Seamen in foreign voyages or from a port of the Atlantic to a port on the Pacific, or vice versa, to be paid within 24 hours after discharge of cargo or 4 days after discharge of seaman, but in either case he is entitled to one-third of his wages upon discharge.

Failure to comply provides payment of two days' wages for every day seaman is kept waiting.

Section 3. Seamen shall be entitled upon demand to one-half of their wages at every port where the vessel stops to discharge or load cargo.

A court upon cause shown may set aside any release signed by a seaman.

Provided, That this section shall apply to foreign vessels while in harbors of the United States and opens the courts of the United States for its enforcement.

Section 4 gives to seamen the right to call for a survey in a foreign port without any officer participating in the demand.

Section 5 provides 100 cubic feet fore-castle space, 16 feet on the floor for each seaman or apprentice therein.

Applies to vessels of 100 tons register.

Vessels having more than 10 men on deck must be provided with a clean and sanitary washing place, one basin for each two men,

NELSON BILL.

Section 1 and section 2 provides at least two watches for the sailors at sea.
Three watches for the firemen at sea.

Nine-hour day with a proviso that no member of the crew shall be required to work more than 12 hours of every 24 except in cases of emergency.

No unnecessary work on Sunday or legal holidays, but this not to prevent the doing of work necessary to the dispatch of a vessel.

Exempts vessels of 300 tons or less and vessels whose regular schedule between terminals does not exceed 24 hours from compliance with the section.

Section 3. Seamen in coastwise trade entitled to wages within two days after termination of agreement or at the time of discharge. Seaman in foreign voyages to be paid within 24 hours after discharge of cargo or 4 days after discharge of seaman, but in either case he is entitled to one-third of his wages upon discharge.

Failure to comply provides payment of two days' wages for every day seaman is kept waiting.

Sections 4 and 5. Seamen shall be entitled upon demand to one-half of their wages at every port where the vessel stops to discharge or load cargo.

Provided, That the wages earned during the first five days shall not be subject to demand prior to the completion of the voyage or expiration of the contract.

A court upon cause shown may set aside any release signed by a seaman.

Provided, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies while in harbors of the United States and open the courts of the United States to seamen for its enforcement.

Section 6 gives to seamen the right to call for a survey in a foreign port without any officer participating in the demand.

Section 7 provides 122 cubic feet fore-castle space, 18 square feet on the floor, with 20 per cent deducted for mess room, for every seaman or apprentice carried therein.

Applies to vessels of 200 tons register.

Makes provision for hospital space on boats carrying more than 12 seamen.

Vessels having more than 20 men on deck must be provided with a clean and sanitary washing place, one basin for each two men,

BURTON BILL.

Section 1 and section 2 provides at least two watches for the sailors at sea.
Three watches for the firemen at sea.

Nine-hour day with a proviso that no member of the crew shall be required to work more than 12 hours of every 24 except in cases of emergency.

No unnecessary work on Sunday or legal holidays, but this not to prevent the doing of work necessary to the dispatch of a vessel.

Exempts vessels of 300 tons or less and vessels whose regular schedule between terminals does not exceed 24 hours from compliance with the section.

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Section 7 provides 122 cubic feet fore-castle space, 18 square feet on the floor, with 20 per cent deducted for mess room for every seaman or apprentice carried therein.

Applies to vessels of 200 tons register.

Makes provision for hospital space on boats carrying more than 12 seamen.

Vessels having more than 20 men on deck must be provided with a clean and sanitary washing place, one basin for each two men,

LA FOLLETTE SUBSTITUTE—continued.

separate wash place for the fireroom and engineroom men, if they exceed 10 in number, and large enough to accommodate one-sixth of them at the same time, providing for basin, sinks, and shower baths.

Penalty, fine of \$500.

Provides for fumigation of forecastles.

Provides that forecastles shall have at least two exits, one to be used in emergency.

Section 6 provides penalties for desertion and disobedience, willfully damaging the vessel, or smuggling; and subsection 6 provides penalty for assaulting a master or mate.

Provided, That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow servants with those under their authority.

Section 7 provides for duties of the consular officers in cases of insubordination on board of vessel, how they may proceed, and what action they may take.

Section 8 prohibits flogging or any other corporal punishment and penalties therefor, and that the master shall surrender any officer guilty of the same to the proper authorities as soon as practicable.

Failure of the master to comply herewith shall subject the master and the vessel to damages.

Section 9 provides for the increase in the scale of provisions by increasing the daily allowance of water and butter.

Section 10 makes it unlawful to pay any seaman wages in advance of the time when he has actually earned same, either to the seaman himself or to some other person.

Or to pay any person for the shipment of seamen if payment is deducted or is to be deducted from a seaman's wages.

Penalty, \$25 to \$100, or imprisonment not exceeding six months, at the discretion of the court.

The payment of such advance wages shall not absolve the vessel, but seamen may recover their full wages after the same shall have been earned.

It prohibits the demanding or receiving from any seaman seeking employment as a seaman or any person on his behalf any remuneration whatever for providing him this employment, and provides a penalty not to exceed six months or a fine not exceeding \$500.

Section 10, continued, provides that any seaman may stipulate in a shipping agreement for an allotment of any wages he may earn to grandparents, parents, wife, sister, or children, and no such allotment shall be valid unless signed and approved by the shipping commissioner, who shall make rules to govern such allotments, and that any person falsely claiming to be such relative shall be punished by a fine not exceeding \$500 or imprisonment not exceeding six months.

That this section shall apply to foreign vessels while in the waters of the United States as well as to vessels of the United States, and that no clearance from a port of the United States shall be granted to a foreign vessel unless this section is complied with.

Section 11 provides that the law exempting wages of seamen from attachment and arrestment shall be applicable to fishermen employed on fishing vessels, except in the case where the court orders part of wages paid to the wife or minor children.

Section 12. That no vessel of 100 tons gross and upward, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her

NELSON BILL—continued.

separate wash place for the fireroom and engineroom men if they exceed 10 in number, and large enough to accommodate one-sixth of them at the same time, providing for basin, sinks, and shower baths.

Penalty, fine not less than \$50 nor more than \$500.

Section 8 provides penalties for desertion and disobedience, willfully damaging the vessel, or smuggling; and subsection 6 provides penalty for assaulting a master or other licensed officer.

Section 9 provides for duties of the consular officers in cases of insubordination on board of vessel, how they may proceed, and what action they may take.

Section 10 prohibits flogging or any other corporal punishment and penalties therefor, and that the master shall surrender any officer guilty of the same to the proper authorities as soon as practicable.

Provided, He has actual knowledge of the misdemeanor, or complaint is made within three days after vessel reaching port; and if he has failed to use due diligence to comply herewith the master and vessel shall be liable to damages.

Section 11 provides for the increase in the scale of provisions by increasing the daily allowance of water and butter.

Section 12 makes it unlawful to pay any seaman wages in advance of the time when he has actually earned same, either to the seaman himself or to some other person.

Or to pay any person for the shipment of seamen if payment is deducted or is to be deducted from a seaman's wages.

Penalty, \$25 to \$100, or imprisonment not exceeding six months, at the discretion of the court.

The payment of such advance wages shall not absolve the vessel, but seamen may recover their full wages after the same shall have been earned.

It prohibits the demanding or receiving from any seaman seeking employment as a seaman or any person on his behalf any remuneration whatever for providing him employment, and provides a penalty not to exceed six months or a fine not exceeding \$500.

Section 12, continued, provides that any seaman may stipulate in a shipping agreement for an allotment of any wages he may earn to grandparents, parents, wife, sister, or children, and no such allotment shall be valid unless signed and approved by the shipping commissioner, who shall make rules to govern such allotments, and that any person falsely claiming to be such relative shall be punished by a fine not exceeding \$500 or imprisonment not exceeding six months.

That this section shall apply to foreign vessels while in the waters of the United States as well as to vessels of the United States, and that no clearance from a port of the United States shall be granted to a foreign vessel unless this paragraph is complied with, provided treaties do not conflict.

Or shall by any threat or force dissuade or prevent, or endeavor to dissuade or prevent, any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent, or endeavor to dissuade or prevent, any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped, he shall for every offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

Section 13 provides that the law exempting wages of seamen from attachment and arrestment shall be applicable to fishermen employed on fishing vessels, except in the case where the court orders part of wages paid to the wife or minor children.

Section 14 applies to vessels except those navigating rivers exclusively. Vessels shall not depart any port of the United States unless 75 per cent of the crew in each department are able to understand the language of the officer, unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen. * * * The number of seamen through whom the orders may be transmitted to be not less than the

BURTON BILL—continued.

separate wash place for the fireroom and engineroom men if they exceed 10 in number, and large enough to accommodate one-sixth of them at the same time, providing for basin, sinks, and shower baths.

Penalty, fine not less than \$50 nor more than \$500.

Section 8 provides penalties for desertion and disobedience, willfully damaging the vessel, or smuggling; and subsection 6 provides penalty for assaulting a master or other licensed officer. Subsection 9 provides six months' imprisonment for refusal or willful neglect to engage in boat practice or drill as provided in section 12. (This seems to apply in port as well as at sea.)

Section 9 provides for duties of the consular officers in cases of insubordination on board of vessel, how they may proceed, and what action they may take.

Section 10 prohibits flogging or any other corporal punishment and penalties therefor, and that the master shall surrender any officer guilty of the same to the proper authorities as soon as practicable.

Provided, He has actual knowledge of the misdemeanor, or complaint is made within three days after vessel reaching port; and if he has failed to use due diligence to comply herewith the master and vessel shall be liable to damages.

Section 11 provides for the increase in the scale of provisions by increasing the daily allowance of water and butter.

Section 12 makes it unlawful to pay any seaman wages in advance of the time when he has actually earned same, either to the seaman himself or to some other person.

Or to pay any person for the shipment of seamen if payment is deducted or is to be deducted from a seaman's wages.

Penalty, \$25 to \$100, or imprisonment not exceeding six months, at the discretion of the court.

The payment of such advance wages shall not absolve the vessel, but seamen may recover their full wages after the same shall have been earned.

It prohibits the demanding or receiving from any seaman seeking employment as a seaman or any person on his behalf any remuneration whatever for providing him this employment, and provides a penalty not to exceed six months or a fine not exceeding \$500.

Section 12, continued, provides that any seaman may stipulate in a shipping agreement for an allotment of any wages he may earn to grandparents, parents, wife, sister, or children, and no such allotment shall be valid unless signed and approved by the shipping commissioner, who shall make rules to govern such allotments, and that any person falsely claiming to be such relative shall be punished by a fine not exceeding \$500 or imprisonment not exceeding six months.

That this section shall apply to foreign vessels while in the waters of the United States as well as to vessels of the United States, and the collector of customs may, upon reasonable evidence, that this section has not been complied with, refuse to grant clearance to such vessels, provided treaties do not conflict.

Or shall by any threat or force dissuade or prevent, or endeavor to dissuade or prevent, any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent, or endeavor to dissuade or prevent, any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped, he shall for every offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

Section 13 provides that the law exempting wages of seamen from attachment and arrestment shall be applicable to fishermen employed on fishing vessels, except in the case where the court orders part of wages paid to the wife or minor children.

Section 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any

LA FOLLETTE SUBSTITUTE—continued.

deck crew, exclusive of licensed officers, are of a rating not less than able seaman:

Provided, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she is provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher, who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years' service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued, and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall upon the sworn information of any citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500.

NELSON BILL—continued.

number of lifeboats the vessel is required to carry and one seaman shall be assigned to each lifeboat.

No vessel, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the board of local inspectors that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching, and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce, who shall, through collectors of customs, local inspectors, and other officers of the Government, enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

This section shall take effect on and after the following dates, respectively, in the case of vessels navigating the ocean or sounds and bays connected therewith or the Great Lakes and connecting waters, and authorized by certificate of inspection to carry the following number of passengers: On July 1, 1913, 500 passengers or over; on August 1, 1913, 200 passengers and less than 500; on October 1, 1913, less than 200.

Section 15. A seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he is at least 18 years of age, possesses a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, and has served on deck at sea for at least three years. The service herein prescribed may be proved by certificates of discharge by a master before a shipping commissioner or by other proof satisfactory to officers designated by the Secretary of Commerce, who shall issue certificates to able-bodied seamen in a form to be prescribed by him, and in the case of seamen shipped abroad on vessels of the United States such service may be proved by certificates of discharge by a master before consuls of the United States.

No vessel, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelmen or quartermasters and lookout men of not less rating than that of able seaman: *Provided*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical strength, and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men than those so qualified shall be employed at the wheel or as lookout. And while at sea the wheelmen or quartermasters

BURTON BILL—continued.

department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient number of efficient boat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient boat hand who has shown by practical tests to the satisfaction of the master that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching, and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce, who shall, through collectors of customs, local inspectors, and other officers of the Government, enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of boat hands.

This section shall take effect on and after the following dates, respectively, in the case of vessels navigating the ocean or sounds and bays connecting therewith, or the Great Lakes and connecting waters, and authorized by certificate of inspection to carry the following number of passengers: On July 1, 1913, 500 passengers or over; on August 1, 1913, 200 passengers and less than 500; on October 1, 1913, 12 passengers and less than 200.

Any violation of the provisions of this section shall subject the owner of such vessel to a fine of not more than \$500.

Section 15. That a seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he is at least 18 years of age, possesses a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, and has served on deck at sea for at least three years. The service herein prescribed may be proved by certificates of discharge by a master before a shipping commissioner or by other proof satisfactory to officers designated by the Secretary of Commerce, who shall issue certificates to able-bodied seamen in a form to be prescribed by him, and in the case of seamen shipped abroad on vessels of the United States such service may be proved by certificates of discharge by a master before consuls of the United States.

LA FOLLETTE SUBSTITUTE—continued.

NELSON BILL—continued.

BURTON BILL—continued.

and lookout men shall be divided into at least three watches, which shall be kept on duty successively; but this requirement shall not apply to yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in case of emergency. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Any failure to comply with this provision shall subject the master or owner of such vessel to a fine of not less than \$100 and not more than \$500.

Section 13 provides "that the owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident," shall report such accident to the proper authorities, and that the Secretary of Commerce shall make reports to Congress each year.

Sections 14, 15, and 16 provide for the abrogation of treaties and the repeal of statutes under which seamen are arrested, detained, and surrendered back to the vessel.

Section 17 provides a more convenient method of sending a sick seaman to a marine or other hospital.

Section 16 provides "that the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident," shall report such accident to the proper authorities, and that the Secretary of Commerce shall make reports to Congress each year.

Sections 17, 18, and 19 provide for the abrogation of treaties and the repeal of statutes under which seamen are arrested, detained, and surrendered back to the vessel.

Section 20 provides a more convenient method of sending a sick seaman to a marine or other hospital.

Section 16. That no vessel carrying passengers for hire, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelmen or quartermasters and lookout men of not less rating than that of able seamen: *Provided*, That upon examination, under rules prescribed by the Department of Commerce, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men than those so qualified shall be employed at the wheel or as lookout. And while at sea the wheelmen or quartermasters and lookout men shall be divided into at least three watches, which shall be kept on duty successively; but this requirement shall not apply to yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in case of emergency. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Any violation of the provisions of this section shall subject the owner to a fine of not more than \$500.

Section 17 provides "that the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident," shall report such accident to the proper authorities, and that the Secretary of Commerce shall make reports to Congress each year.

Sections 18, 19, and 20 provide for the abrogation of treaties and the repeal of statutes under which seamen are arrested, detained, and surrendered back to the vessel.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 2, line 13, in the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] the Senator from Ohio [Mr. BURTON] offers the following amendment:

Strike out the word "either" and insert in lieu "the obligation of all the crew to take part in boat drills and fire drills or," so that, if amended, it will read:

"But these provisions shall not limit the obligation of all the crew to take part in boat drills and fire drills or the authority of the master or other officer or the obedience of the seamen, etc."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. [Putting the question.] The amendment to the amendment seems to be lost.

Mr. BURTON. I ask for a division.

The VICE PRESIDENT. The Senator from Ohio asks for the yeas and nays.

Mr. LA FOLLETTE. He has asked for a division.

Mr. BURTON. I ask for a division.

There were on a division—ayes 5, noes 26.

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Martine, N. J.	Sterling
Bacon	Hitchcock	Myers	Stone
Borah	Hollis	Norris	Sutherland
Brady	Hughes	O'Gorman	Swanson
Brandeggee	Jackson	Overman	Thomas
Bristow	James	Page	Thornton
Bryan	Kenyon	Polindexter	Tillman
Burton	Kern	Pomerene	Vardaman
Chamberlain	La Follette	Reed	Walsh
Chilton	Lane	Shafroth	Weeks
Clapp	Lewis	Sheppard	Williams
Cummins	McCumber	Smith, Ariz.	
Dillingham	McLean	Smith, S. C.	
Fletcher	Martin, Va.	Smoot	

The VICE PRESIDENT. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. SMOOT. May I ask what amendment is now pending?

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio to the amendment of the Senator from Wisconsin.

Mr. SMOOT. I understood that the Senator from Ohio simply asked for a division. He did not ask for the yeas and nays.

The VICE PRESIDENT. No; he asked for a division; and a division disclosed the absence of a quorum.

Mr. SMOOT. The Chair has now announced that a quorum is present?

The VICE PRESIDENT. Yes.

Mr. SMOOT. Then would not the next amendment be in order, the amendment offered by the Senator from Vermont [Mr. PAGE]?

The VICE PRESIDENT. The Chair thinks that the amendment of the Senator from Ohio is undisposed of as yet.

Mr. LA FOLLETTE. It was disposed of by the vote on a division, unless the Senator from Ohio asks for a vote in some other form.

Mr. SMOOT. Yes; unless he now requests a yeas-and-nays vote.

Mr. BACON. I understood that on the division no quorum voted, and therefore the Chair ordered a roll call, and the matter has not yet been disposed of. Before the amendment to the amendment is disposed of, I desire that it be again read to the Senate.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

Mr. LA FOLLETTE. The amendment has been disposed of, unless the Senator from Ohio asks for another vote.

Mr. BACON. Not at all. He called for a division, and there has been no division. There was an attempt at a division, but it was not a success.

Mr. JAMES. I ask for the regular order, Mr. President.
The VICE PRESIDENT. The Senator from Nebraska [Mr. NORRIS] will state his parliamentary inquiry.

Mr. NORRIS. Perhaps technically it is not a parliamentary inquiry, but I wanted to call the attention of the Chair to what happened the other day, when a similar proceeding occurred. Upon a vote the want of a quorum was disclosed, and as I remember it the Chair decided that the motion was carried, and it was held that the motion had been finally disposed of.

Mr. BRANDEGEE. Mr. President, if I may be allowed to make a parliamentary inquiry, is not this the situation? On the call for a division by the Senator from Ohio there were 5 ayes and 26 noes, 31 in all, and the Chair announced that the vote disclosed that there was no quorum. If there was no quorum on the vote, of course it was not a vote. Where the record discloses that there was not a quorum present when a vote was taken it can not be a vote, and the question must be again put.

Mr. LA FOLLETTE. I ask for the submission of the question on the amendment to another viva voce vote.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio to the amendment proposed by the Senator from Wisconsin.

Mr. BACON. Which I ask may be read.

Mr. BURTON. I ask for the yeas and nays on the amendment to the amendment. I think we will be more likely to develop a quorum in that way.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. The Senator from Ohio proposes the following amendment to the amendment proposed by the Senator from Wisconsin:

On page 2, as printed, line 13, strike out the word "either" and in lieu insert "the obligation of all the crew to take part in boat drills and fire drills or," so that if amended the clause will read:

"But these provisions shall not limit the obligation of all the crew to take part in boat drills and fire drills or the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel," etc.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry. Would it be in order now to ask for the reading of the amendment proposed by the Senator from Wisconsin upon this same subject of the fire drill?

The VICE PRESIDENT. The Chair will state that it is in order for any Senator to obtain any information he desires before voting.

Mr. SUTHERLAND. If it is in order, I should like to have that provision read.

Mr. BACON. I suggest that nothing is in order but to read the amendment and the paragraph as it would stand as amended, and that has been done.

Mr. JAMES and others. Let us vote.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BURTON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GOFF (when his name was called). I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. Not being advised as to how he would vote on this amendment, I shall withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. In his absence I shall withhold my vote unless it is necessary to make a quorum.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Maine [Mr. JOHNSON] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. As he is not present I will withhold my vote unless it is necessary to make a quorum.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH], which I transfer to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. SHAFROTH (when his name was called). I have a pair with the junior Senator from California [Mr. WORKS]. I therefore withhold my vote unless I find it is necessary to vote in order to make a quorum.

Mr. SMITH of Arizona (when his name was called). I am likewise paired, being paired with the Senator from New Mexico [Mr. FALL]. I will not vote unless my vote is necessary to make a quorum. If it becomes necessary I shall vote; otherwise I will withhold my vote.

Mr. BACON (when the name of Mr. SMITH of Georgia was called). I desire to state that my colleague [Mr. SMITH] is necessarily absent, and that he is paired with the senior Senator from Massachusetts [Mr. LODGE].

Mr. STERLING (when his name was called). I have a general pair with the Senator from Nevada [Mr. NEWLANDS] and will withhold my vote. I am not advised as to how the Senator from Nevada would vote on this amendment if he were present.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer it to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from North Dakota [Mr. GRONNA] and vote "nay."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Wisconsin [Mr. STEPHENSON] and would observe that pair were not my vote necessary for a quorum. Realizing that my vote is necessary to secure a quorum, I vote "nay."

Mr. WALSH (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. If I were at liberty to vote, I would vote "nay." I will withhold my vote to await the determination of the presence of a quorum.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I telegraphed him this morning, but have not been able to reach him. I am informed by Capt. Stewart, in his office, that he thinks the Senator would be perfectly willing to relieve me from the pair on this particular vote. I therefore desire to vote. I vote "nay."

The roll call was concluded.

Mr. SMOOT. I have been requested to announce that the senior Senator from Kentucky [Mr. BRADLEY] has been called away from the Senate on account of illness. I ask that this announcement may stand for all votes during the day.

Mr. KERN. I desire to announce the following pairs:

The Senator from Kansas [Mr. THOMPSON] with the Senator from New Mexico [Mr. CATRON].

The Senator from Delaware [Mr. SAULSBURY] with the Senator from Rhode Island [Mr. COLT].

The Senator from Tennessee [Mr. LEA] with the Senator from South Dakota [Mr. CRAWFORD].

The Senator from Texas [Mr. CULBERSON] with the Senator from Delaware [Mr. DU PONT].

The Senator from Indiana [Mr. SHIVELY] with the Senator from Illinois [Mr. SHERMAN].

The Senator from Arkansas [Mr. ROBINSON] with the Senator from Michigan [Mr. TOWNSEND].

The result was announced—yeas 12, nays 36, as follows:

YEAS—12.

Bacon	Burton	Jackson	O'Gorman
Brandeggee	Dillingham	McLean	Thornton
Bryan	Fletcher	Nelson	Weeks

NAYS—36.

Ashurst	Hollis	Martine, N. J.	Smith, S. C.
Borah	Hughes	Myers	Smoot
Brady	James	Norris	Stone
Bristow	Kenyon	Page	Sutherland
Chamberlain	La Follette	Pittman	Swanson
Chilton	Lane	Poinexter	Thomas
Clapp	Lewis	Pomerene	Tillman
Cummins	McCumber	Reed	Vardaman
Hitchcock	Martin, Va.	Sheppard	Williams

NOT VOTING—47.

Bankhead	Goff	Owen	Smith, Ariz.
Bradley	Gore	Penrose	Smith, Ga.
Burleigh	Gronna	Perkins	Smith, Md.
Catron	Johnson	Ransdell	Smith, Mich.
Clark, Wyo.	Jones	Robinson	Stephenson
Clarke, Ark.	Kern	Root	Sterling
Colt	Lea	Saulsbury	Thompson
Crawford	Lippitt	Shafroth	Townsend
Culbertson	Lodge	Sherman	Walsh
du Pont	Newlands	Shields	Warren
Fall	Oliver	Shively	Works
Gallinger	Overman	Simmons	

So Mr. BURTON's amendment to the amendment was rejected.

Mr. BACON. I now offer the amendment to the amendment which I send to the desk and of which I gave notice.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment proposed by the Senator from Georgia.

The SECRETARY. It is proposed to amend the amendment of Mr. LA FOLLETTE by adding at the end thereof a new section, to be known as section 19, and to read:

SEC. 19. Nothing contained in this act shall be construed or operate to have the effect to abrogate, annul, or in any manner affect any part or provision of any treaty now in force between the United States and the Government of any other nation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON] to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE]. [Putting the question.] The "noes" seem to have it.

Mr. BACON. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. REED. I ask to have a rereading of the amendment, Mr. President.

The VICE PRESIDENT. The amendment to the amendment will be again stated.

The Secretary again read the amendment to the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I do not know how he would vote on this amendment if present, but I transfer that pair to the junior Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. KERN (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. BRADLEY] and withhold my vote, unless it becomes necessary to make a quorum.

Mr. O'GORMAN (when his name was called). I again state that I have a pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Maine [Mr. JOHNSON] and vote "nay."

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from California [Mr. PERKINS]. Not knowing how he would vote if present I withhold my vote.

Mr. REED (when his name was called). I again transfer my pair, as heretofore announced, and vote "nay."

Mr. SHAFROTH (when his name was called). I have a pair with the junior Senator from the State of California [Mr. WORKS] and therefore withhold my vote. I have an agreement with him, however, that in the event that it is necessary to make a quorum I may vote. In that event I shall do so.

Mr. KERN (when Mr. SHIVELY's name was called). I again announce the unavoidable absence from the city of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Illinois [Mr. SHERMAN].

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL], and under the privilege to vote in order to make a quorum I vote "nay."

Mr. STERLING (when his name was called). I have a pair with the senior Senator from Nevada [Mr. NEWLANDS] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE] and transfer it to the Senator from North Dakota [Mr. GRONNA] and vote. I vote "nay."

Mr. WALSH (when his name was called). I again announce my pair with the senior Senator from Rhode Island [Mr. LIPPITT]. If I were permitted to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me at the last roll call, I vote "nay."

The roll call was concluded.

Mr. KERN. In order to make a quorum, I will exercise my privilege of voting and vote "nay."

The result was announced—yeas 15, nays 33, as follows:

YEAS—15.

Bacon	Bryan	Jackson	Smith, S. C.
Borah	Burton	McLean	Smoot
Brandegee	Dillingham	Nelson	Weeks
Bristow	Hitchcock	Page	

NAYS—33.

Ashurst	James	Myers	Sutherland
Brady	Kenyon	Norris	Swanson
Chamberlain	Kern	O'Gorman	Thomas
Chilton	La Follette	Pittman	Thornton
Clapp	Lane	Poinexter	Vardaman
Cummins	Lewis	Pomerene	Williams
Fletcher	McCumber	Reed	
Hollis	Martin, Va.	Sheppard	
Hughes	Martine, N. J.	Smith, Ariz.	

NOT VOTING—47.

Bankhead	Goff	Penrose	Smith, Md.
Bradley	Gore	Perkins	Smith, Mich.
Burleigh	Gronna	Ransdell	Stephenson
Catron	Johnson	Robinson	Sterling
Clark, Wyo.	Jones	Root	Stone
Clarke, Ark.	Lea	Saulsbury	Thompson
Colt	Lippitt	Shafroth	Tillman
Crawford	Lodge	Sherman	Townsend
Culberson	Newlands	Shields	Walsh
du Pont	Oliver	Shively	Warren
Fall	Overman	Simmons	Works
Gallinger	Owen	Smith, Ga.	

So the amendment of Mr. BACON to the amendment of Mr. LA FOLLETTE was rejected.

Mr. BURTON. I offer the amendment which I send to the desk as an amendment to the proposed substitute.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment proposed by the Senator from Wisconsin, on page 16, line 2, after the word "rivers," it is proposed to insert the words "lakes, bays," so as to read:

Except those navigating rivers, lakes, bays, and harbors exclusively.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio to the amendment of the Senator from Wisconsin.

The amendment to the amendment was rejected.

Mr. FLETCHER. I suggest an amendment to the substitute proposed by the Senator from Wisconsin, and that is to strike out section 18. The matter covered by that section is already taken care of in section 15, and it is unnecessary and would be confusing, I think. So I move to strike out section 18. By referring to section 15 it will be seen that section 5280 of the Revised Statutes is repealed in that section.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the Senator from Wisconsin it is proposed to strike out the last section, which reads as follows:

SEC. 18. That section 5280, Revised Statutes, except as hereinbefore provided, be, and the same is hereby, repealed.

Mr. LA FOLLETTE. May I merely make an inquiry of the Senator from Florida, who did speak to me about that amendment? I have been looking at it since, and it will be observed that section 18 of the proposed substitute is not exactly the same in phraseology as the provision in section 15 to which the Senator from Florida has referred, although they relate to the same section of the Revised Statutes. The lines in section 15 provide:

And thereupon so much of sections 4081 and 5280 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

While the two lines at the end of the section repeal all of section 5280, I have not the section before me, and I am not sure whether it is necessary to have the entire section repealed in order to make it accomplish everything that is sought to be accomplished by this bill.

Mr. BACON. Mr. President, I would have been very glad if I had been allowed an opportunity to say as much in regard to the amendment which I offered as Senators are now saying in explanation of what is going on. Strictly—

The VICE PRESIDENT. The Chair has been waiting for some Senator to object.

Mr. FLETCHER. Perhaps it will do no harm to let the section remain in, and I withdraw the amendment.

Mr. LA FOLLETTE. I think it will do no harm.

Mr. WILLIAMS. I rise to a point of order. The unanimous-consent agreement was that we would begin to vote at 4 o'clock without debate, and I think any remarks of explanation or of rejoinder are out of order. I make that point of order.

The VICE PRESIDENT. The point of order is sustained by the Chair. The Chair has been waiting for some Senator to make the point.

Mr. WILLIAMS. I made the point, I will say to the Senator from Georgia, as soon as I found it was necessary.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. PAGE. I offer the amendment which I sent to the desk some time ago, and ask to have it read and acted upon before the vote is taken on the proposed substitute.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 15, line 15, of the proposed substitute, after the word "exclusively," it is proposed to insert "and the smaller inland lakes where the line of travel pursued is at no point more than 3½ miles from land," and also on page 16,

line 2, after the word "harbors," to insert "and the smaller inland lakes as hereinbefore specified."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Vermont to the amendment proposed by the Senator from Wisconsin.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Wisconsin as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until Monday next at 12 o'clock meridian.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, October 27, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate October 23, 1913.

COLLECTOR OF INTERNAL REVENUE.

John W. Hughes, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky in place of Winston W. Wiseman, superseded.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Edgar B. Meritt, of Arkansas, to be Assistant Commissioner of Indian Affairs, vice Fred H. Abbott, resigned.

PROMOTION IN THE NAVY.

Commander Ridley McLean to be Judge Advocate General of the Navy, with the rank of captain, for a period of four years from the 5th day of November, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 23, 1913.

COLLECTOR OF INTERNAL REVENUE.

John W. Hughes to be collector of internal revenue for the eighth district of Kentucky.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Edgar B. Meritt to be Assistant Commissioner of Indian Affairs.

POSTMASTERS.

CALIFORNIA.

Ada Ainscough, Banning.
Thomas E. Ferris, East San Diego.
Edward I. Leake, Woodland.

CONNECTICUT.

Patrick T. Oates, Saugatuck.

INDIANA.

Benjamin A. Batson, Bluffton.
W. P. Van Arsdall, Fairmount.

LOUISIANA.

Willie Harris, Homer.
Maurice C. Wilson, Hammond.

NEW MEXICO.

Malcolm Cameron, San Marcial.
John A. Haley, Carrizozo.
Susano Ortiz, Las Vegas.
Susan S. Pace, Clayton.

NORTH DAKOTA.

P. J. Bott, Marmarth.
D. J. Drummond, Esmond.
Theodore F. Huston, Deering.

OKLAHOMA.

A. C. Smith, Ponca City (late Ponca).

SOUTH DAKOTA.

Alexander H. Rogers, Newell.

HOUSE OF REPRESENTATIVES.

THURSDAY, October 23, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, be very near to us that we may be guided by Thy councils in all the affairs of life, especially as we thus assemble for the duties of the hour, that we may quit ourselves like men, receive Thy benediction, and be prepared for whatever may follow in our wake, assured that Thy good will and pleasure wait on the faithful. And all praise shall be Thine for ever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. There are a couple of messages to be presented.

Mr. JOHNSON of Kentucky. Then I will withhold my motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 142. Joint resolution to provide for furnishing the additional rooms to the House Office Building.

The message also announced that the Senate had passed a Senate joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 74. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On October 16, 1913:

H. J. Res. 132. Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Sixth National Corn Exposition, to be held at Dallas, Tex., during the month of February, 1914.

On October 22, 1913:

H. R. 7898. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes;

H. J. Res. 125. Joint resolution authorizing the President to appoint delegates to attend the Seventh International Congress of the World's Purity Federation, to be held in the city of Minneapolis, State of Minnesota, November 7 to 12, 1913; and

H. J. Res. 134. Joint resolution for the appointment of a joint committee from the House and Senate to attend Congress Hall celebration in Philadelphia in October, 1913.

On October 23, 1913:

S. 767. An act granting permission to the city of Marshfield, Oreg., to close Mill Slough, in said city.

VETO MESSAGE—ADOLPH UNGER (H. DOC. NO. 260).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith without my approval House joint resolution No. 111, entitled "Joint resolution to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy." I regret to do this, but I deem it my duty. I have the greatest sympathy and admiration for young men like Mr. Unger who seek, in spite of difficulties, to show their mettle; but I am convinced, upon careful inquiry, that he can not, with his present preparation, advantageously continue his course at the West Point Military Academy, and that his reinstatement would, in the circumstances, be subversive of the proper discipline of the academy.

WOODROW WILSON.

THE WHITE HOUSE, October 22, 1913.

The joint resolution referred to is as follows:

Joint resolution (H. J. Res. 111) to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy.

Resolved, etc. That the President be, and he is hereby, authorized to reinstate Adolph Unger as a cadet in the United States Military Academy: *Provided*, That nothing in this resolution shall operate to increase the number of cadets now allowed by law at the United States Military Academy.